

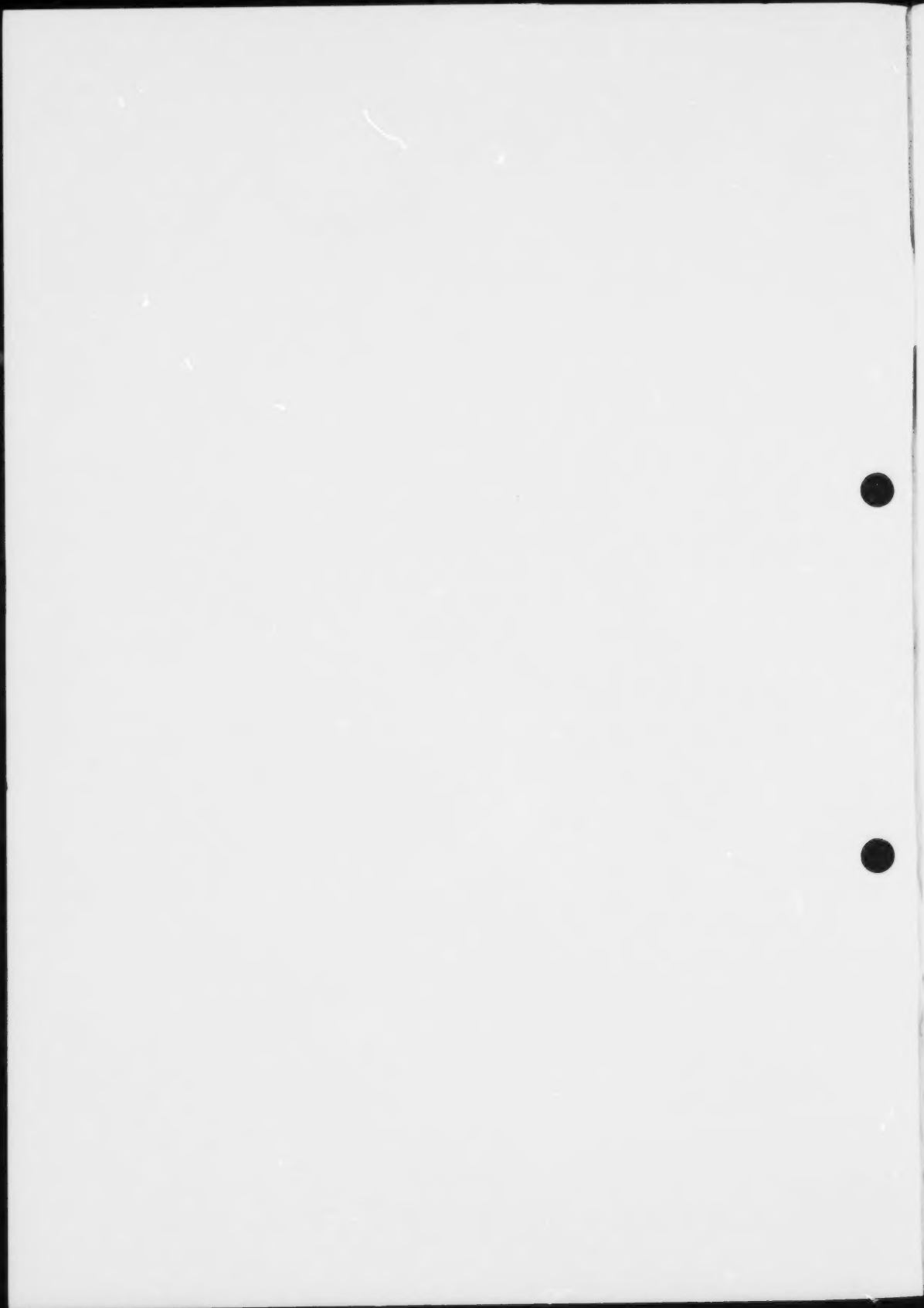


Manitoba Task Force on Meech Lake

April 6, 1989
Winnipeg, Manitoba

No. 1

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE**Thursday, April 6, 1989****TIME — 2 p.m.****LOCATION — Winnipeg, Manitoba****CHAIRMAN — Professor Wally Fox-Decent***Members of the Manitoba Meech Lake Task Force present:*

- Mr. Jim Carr (Member for Fort Rouge)
- Mrs. Sharon Carstairs (Member for River Heights)
- Mr. Gary Doer (Member for Concordia)
- Hon. Gary Filmon (Member for Tuxedo)
- Mrs. Gerrie Hammond (Member for Kirkfield Park)
- Hon. James McCrae (Member for Brandon West)
- * Substituting for Mr. Darren Praznik, Hon. Gary Filmon.

Support Staff for the Manitoba Meech Lake Task Force:

- Mr. Binx Remnant, Secretary
- Ms. Kathy Brock, Research Director
- Mr. Vic Toews, Constitutional Advisor
- Ms. Anita Tiessen, Media Relations
- Ms. Bonnie Greschuk, Assistant Secretary
- Ms. Annette Landry, Administrative Secretary

Matters under Consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: I am Wally Fox-Decent, Chair of the Manitoba Task Force on Meech Lake. Welcome to our first public hearing. You will note, ladies and gentlemen, as the title indicates, this is not a legislative committee. It is a special group that has been constituted to listen to Manitobans on the subject of Meech Lake, and that is just exactly what we will be doing over the course of a number of days and in seven communities between now and the beginning of May.

Our purpose is to hear you and we will listen with great interest to what is said to us.

Our second purpose is to try to reach a consensus on the Manitoba position concerning Meech Lake. Our report will be presented to the Manitoba Government in due course once the hearings are complete.

We welcome your interest. We look forward very much to hearing your point of view.

It is my pleasure now to introduce the Members of the Task Force to you, all Members of the Legislature.

Starting on my far left, your right, Mrs. Gerrie Hammond, the Member for Kirkfield Park; and next to Mrs. Hammond, Mr. Jim Carr, the Member for Fort Rouge. I see a very sudden change. Next to Mr. Carr is Darren Praznik—just stepping away from the table—who is the Member for Lac du Bonnet. The Task Force has agreed that substitutions of Members will occur from time to time. I am happy to welcome the Premier, Mr. Filmon, the Member for Tuxedo, who is sitting in for Mr. Praznik this afternoon. On my far right, your far left, Mr. Jim Carr—sorry, Mr. Jim McCrae, the other Jim, the Attorney General of Manitoba and the Member for Brandon. Next to him is Mrs. Sharon Carstairs, the Leader of the Opposition and Member of the Legislature for River Heights. On my immediate right, Mr. Gary Doer, Leader of the New Democratic Party and Member of the Legislature for Concordia.

Ladies and gentlemen, our first speaker this afternoon is Mr. David Matas who is representing the League for Human Rights of B'Nai B'Rith Canada. May I just say to you, sir, and by way of so saying put it on the record that with some regret the speaking time is limited to 20 minutes. We have some 200 people who have already indicated their desire to appear before us. Therefore the limit is only in the interests of being able to manage the process. We will give you a signal after 15 minutes by the waving of a small Manitoba flag that you have five minutes left. At the end of 20 minutes, you will get a second wave of the flag and I would ask you to be gracious enough to cease at that point. There will then be 10 minutes allowed for questions from the Members of the Task Force.

Mr. Matas, welcome.

Mr. Michael Freid (Executive Director of the League for Human Rights of Mid-West Region Manitoba): Good afternoon, my name is Michael Freid, and I am the Executive Director of the League for Human Rights of the Mid-West Region Manitoba. I would like to introduce Mr. Matas.

Mr. Matas has been the Chair of Constitutional Law for the Canadian Barr Association from 1979 to 1982. He has also been a lecturer of Constitutional Law at McGill University and a lecturer of Civil Liberties at the University of Manitoba. Mr. Matas is currently senior legal counsel to the League for Human Rights of B'Nai B'Rith Canada. Mr. Matas is a Winnipeg lawyer and is the author of the book "Justice Delayed."

Mr. David Matas (League for Human Rights of B'Nai B'Rith Canada): In my submission, I am going to touch on three issues only. The issues of immigration, multiculturalism and the Charter.

First of all, in immigration, the Meech Lake Accord provides the Government of Canada will conclude an agreement with the Government of Quebec that would guarantee that Quebec will receive a number of immigrants within the annual total established by the

federal Government for all of Canada proportionate to its share of the population. I have six different concerns about that which I will go through.

* (1405)

a) Canada each year sets levels for immigrants it intends to admit for the following year, but the levels are not often reached. In many years, the actual admissions fall thousands short of the levels set. The Department of Immigration has not been geared to admit the number the policy levels have warranted. The Accord does not guarantee that Quebec will be targeted to receive a proportionate share of the Canadian target but that Quebec will actually receive a proportionate share of the Canadian target. The problem is this, that when targets at one side are being compared with receptions on the other, as the Accord does, any proportionality that results would be sheer coincidence. In any given year, it will certainly not occur. If current patterns continue and admissions fall short of targets, what Meech Lake does is to guarantee Quebec not a proportionate share of receptions but a disproportionately high share of receptions.

b) A second problem is that Quebec will be, by agreement, entitled to receive 5 percent beyond its share of the population as its share of immigrants. The Accord does not prevent other provinces from negotiating similar agreements. In other words, the Accord does not prevent all of the provinces each from negotiating a share of immigrants 5 percent beyond its share of the population, but whether the Accord prevents that sort of agreement with other provinces or not simple logic does. The whole is equal to the sum of its parts; the whole cannot be greater than the sum of its parts. If each province negotiated an agreement for a 5 percent supplement, we would have commitments equal to 150 percent of total immigration. However, commitments can only equal 100 percent of total immigration; it is impossible to go higher logically.

This provision of the Accord is Orwellian. Saying, as the Accord does, that nothing in the Accord prevents the other provinces from negotiating similar agreements is like saying that nothing in the Accord prevents two plus two from equalling six. Putting that sort of statement in the Accord holds the Accord up to ridicule.

Senator Lowell Murray has said that the Meech Lake Accord should not be amended except in the case of egregious error. Even by that broad test, the Accord, at least in this respect, needs amendment.

c) The Accord, thirdly, sets an artificial level on immigration into Canada as a whole. The Quebec right to proportional immigration sets

a ceiling on immigration into all of Canada. There is to be an agreement that Quebec will receive its proportionate share. If immigration into Quebec is low, for whatever reason, whether because immigrants do not want to go to Quebec or if Quebec does not wish to bring immigrants in, then immigration to the rest of Canada must also be low in order for the proportionate share from Quebec to be maintained.

The Accord provides that an immigration agreement shall have effect only insofar as it is not repugnant to any provision of an Act of Parliament that relates to levels. An argument might be raised that this particular problem might be avoided because of the repugnancy provision, but the repugnancy provision does not avoid the problem. For one thing, immigration levels are not normally legislated; they are simply stated as Government policy, and it would be impractical and inconsonant with the nature of legislation to pass an annual immigration levels Bill. For another, the problem is not repugnancy with an agreement but repugnancy with the Meech Lake Accord itself.

It is the Accord that gives Quebec the guarantee that Quebec will receive its proportionate share. Only a change in the Accord can affect that guarantee.

Quebec up to now has been receiving about 16 percent of Canadian immigration. Under the Accord it will receive 25 percent to 30 percent of Canadian immigration. Once the Accord comes into effect there will be a significant shift in the location of immigration and, as well, the nature of immigration. Quebec has its own immigration policy that is not the same as federal policy but, if overall levels remain the same, the only way the percentage shift can be effected is by a dramatic reduction in immigration to the rest of the country and by a dramatic increase to Quebec.

Up to now the dispersal of immigrants across the country has been the choice of immigrants. Those who wanted to go to Quebec would meet both Quebec and Canadian standards; those who wanted to go elsewhere had to meet Canadian standards alone. There is no location policy requiring immigrants to go to a certain location in order to be admitted.

Now the massive shift in immigration location patterns can be done in one of two ways. We can tell immigrants where to go or we can admit them only to the place we want them to go, but these two ways amount to much the same thing.

There are three components to immigration: family reunification, refugees and economic immigrants. All three are geographically based. Immigrants outside Canada want to be reunited in Canada at the place where their families are. They do not want to come to another province potentially thousands of miles away.

The same can be said for the economy. It would be the most bizarre coincidence if the coming into force of the Meech Lake Accord coincided with a boom in the Quebec economy causing increased demand for economic immigrants and a depression in the rest of the country, causing a slack in the need for economic immigrants.

The shift in immigration patterns the Meech Lake Accord would necessitate would be arbitrary. It would militate against all immigration objectives; it would frustrate family reunification, make support for refugees more difficult and weaken the performance of the Canadian economy.

The only way for the Meech Lake proportionality to be achieved without a drastic reduction in immigration to the rest of Canada is for Quebec to increase whole scale its own immigration. However, no constitutional Accord is needed for that. The present Cullen-Couture Canada-Quebec immigration agreement allows for Quebec to admit as many immigrants it wants as long as the admissions meet Canadian minimum standards; dealing with such things as criminality and health. If Quebec wanted to have a proportionate share of immigration simply by increasing numbers, it could do that now.

* (1410)

The Joint Committee of the Senate and House of Commons dealt with these concerns in five ways. One was that the offending provisions are in the political Accord and not the constitutional amendment proposed. The second is that concerns about numbers can be addressed at the time the agreements are negotiated and approved. They do not need to be addressed now. Third, immigrants, once in Quebec, are free to leave Quebec if they choose. Fourth, the agreement deals with targets only, not actual arrivals. Fifth, the existence of the Quebec-Canada agreement has not caused problems, and constitutionalizing the agreement should also not cause problems.

My response to that is that these answers do not justify the Accord. The first two answers amount to saying that the Accord can be ignored. It means nothing that what it promises will not happen. Well, all that may be true. We are not here to ignore the Accord. We are here to assume the Accord means something.

The argument that immigrants can leave Quebec once they arrive means little. Someone who wants to go to Manitoba because he has family in Manitoba can go to Manitoba from Quebec if he is admitted to Quebec. He may never be admitted to Quebec in the first place, because he has no family there, and there may be no other reason for admitting him.

The argument that the Accord deals with targets only and not actual arrivals is interpretation by wishful thinking. It contradicts the plain words of the Accord.

The Quebec-Canada agreement may not have caused the problem the Accord poses, but the Accord says something far different from that agreement. The agreement says nothing about proportionality, only the Accord does.

The fifth point is this: why would Quebec want to have a proportionate or greater than proportionate share of immigration to Canada? Presumably the reason would be to allow Quebec to maintain the same political weight in Canada it has now.

We have no objection to Quebec's attempting to maintain or increase its population relative to the rest of Canada by increasing immigration into Quebec from present levels, but we do object to proportionality being achieved through enforced reduction from immigration from abroad to the rest of Canada, outside of Quebec. That would create hardships not only to the immigrants denied entry but as well to the families denied reunification, the refugee support groups denied the opportunity to help refugees that want help and the businesses that need economic immigrants.

Finally on this point, the court provides for constitutional entrenchment of federal-provincial agreements. Right now, since each agreement has no constitutional status, it can be ended by one party alone. An agreement does not remain in effect until both parties agree to abandon it.

While it is understandable that the provinces want to hold Ottawa to an agreement once it is reached, what is lost is both flexibility and the symbolic value of the Constitution. The flexibility that is lost is not just federal flexibility, it is provincial as well. The more that is entrenched in the Constitution, the more Government becomes rigidified.

The Constitution should be a document of principle drafted in clear and simple language accessible to all. It is the basic document of the country. It should speak to all citizens of the country about what Canada is. When the Constitution becomes cluttered with a whole series of detailed technical immigration agreements, it becomes trivialized. The value of the Constitution as a unifying symbol for Canada, an articulation of what Canada is, is lost when the Constitution becomes a litter bin of federal-provincial agreements.

The next point I wanted to deal with is multiculturalism. The Accord says very little about multiculturalism. All it says is that it does not affect the provisions about multiculturalism already in the Charter, and the Charter has an interpretation provision saying that it shall be interpreted in a manner consistent with the multicultural heritage of Canadians.

The concern we have about the Meech Lake Accord is not about what is there but what is not there. The Accord provides for the preservation and promotion of the distinct identity of Quebec. Why could not the Accord do the same for multiculturalism? Why could not the Constitution also provide for the preservation and promotion of the multicultural heritage of Canadians?

What we have, as I said, for multiculturalism, is an interpretive provision but, for the "distinct society," the distinct identity of Quebec, there is more than an interpretive provision. There is a mandate provision, mandating the Legislature of Quebec to preserve and promote the distinct identity of Quebec. For multiculturalism, too, there should be a mandating provision.

A similar point can be made about fundamental characteristics. The Accord recognizes the linguistic duality of Canada as a fundamental characteristic of Canada. Why could multiculturalism also not be recognized as a fundamental characteristic of Canada?

* (1415)

By focusing on one aspect of Canada as distinct and ignoring several others, the Accord distorts Canadian reality. It gives our multicultural heritage a second class status. The multicultural contributions to Canada should be affirmed, rather than bypassed.

The joint committee response to these concerns was that the Accord was talking only about a fundamental characteristic, not the fundamental characteristic. Other communities might be distinct societies even if the Accord does not say they are. This response, I suggest, ignores the problem. Here we are talking about the constitutional amendment, not the political Accord. A constitutional amendment has a constitutive effect. A Constitution creates reality. It does not just describe reality. If the Constitution says a characteristic is fundamental or distinctive, then legally it is so, because it is said to be so. If the Constitution does not say a characteristic is fundamental or distinctive, then legally it may not be so. Legally, it is open to question.

Indeed, when draftsmen say one characteristic is fundamental and say nothing about another, the doubt increases. The omitted characteristic is obviously not as fundamental as the stated characteristic or it would have been set out as clearly as the stated characteristic was. The stated characteristic at a legal level, simply by virtue of its statement, has a higher legal status than the omitted characteristic.

There is an interplay between legal results and practical reality. When we give multiculturalism a second class legal status, we make a second class practical status for multiculturalism more likely. When we give multiculturalism equality of legal status, equality in reality becomes easier to achieve.

Although what we are talking about here is multiculturalism, the same point can be made about other aspects of Canadian society as well, including about our aboriginal people. They too constitute distinct societies within Canada. Their presence is a fundamental characteristic of Canada, and we adopt and endorse the positions they have put forward on this issue about the aboriginal people.

The third point I wanted to raise is about Charter predominance. What I do in my brief, and I am going to skip over most of what I do, is analyze the Roman Catholic school funding case, because it gives us perspective on the "distinct society" clause which I think we have to look at.

The existence of the Roman Catholic school case raises all sorts of questions about the Accord. In addition to the power to establish denominational schools in the present Constitution, in addition to the power to legislate in relation to Indians and land reserved for Indians, there will now be in the Constitution a role to preserve and promote Quebec

as a "distinct society." Here is another power that is, in the words of Mr. Justice Estey, in that case, "prima facie selective and distinguishing." Here is another power immune from Charter scrutiny.

Because of the opting-out clause, the fundamental freedoms, the legal rights and equality rights can be side-stepped just by simple explicit legislation. It might be argued that having a power immune from Charter scrutiny means little since even without it there could be opting-out. However, that is an argument that will not bear scrutiny.

For one thing, an explicit statement by Government that it intends to violate the Charter, which the opting-out clause requires, is a warning and a mobilizing force to all those concerned about protecting Charter rights. The warning may lead to the marshalling of forces that will beat back the Charter challenge. When the Charter is ignored implicitly by the exercise of a power immune from Charter challenge, the warning is never given. The violation is surreptitious and more likely to succeed.

Second, the opting-out power does not cover some Charter rights, the democratic rights, the mobility rights and the language rights. These rights can be violated by the exercise of a power immune from Charter challenge. They cannot be violated by the exercise of the opting-out clause.

Senator Lowell Murray has said that the "distinct society" clause is interpretive only. It does not give additional powers to do anything. However, the Accord does not just have an interpretive clause requiring the Constitution to be interpreted so as to recognize Quebec as distinct. The Accord also has a role clause, giving Parliament and all the Legislatures the role to preserve distinction. The role clause may grant power even if the interpretive clause does not.

We need an amendment to say that the Charter is to predominate over the whole Constitution. The Charter now protects aboriginal rights and constitutional denominational school rights, but these protections do not cover the whole field of Indian legislation or denominational school legislation.

Legislation that does not abrogate or derogate from aboriginal or from denominational school rights, legislation to promote Quebec as a "distinct society" need not violate the Charter. Legislation in the exercise of all these powers can be drafted in such a way that it conforms to the Charter.

Senator Lowell Murray has argued against these changes. He is saying that if the Charter were to predominate, that the "distinct society" clause would be gutted. But that concern has to be misplaced, because a Charter predominating amendment would deal only with the power granting facet of the "distinct society" provision, insofar as that facet existed. All Senator Murray was concerned about is the interpretive nature of the clause.

* (1420)

A number of concerns have been raised by women's groups about the Meech Lake Accord. Although this brief deals with Charter issues generally and does not

mention specifically sexual equality concerns, we share those concerns. The right to all equality concerns is potentially weakened by the Meech Lake Accord as it stands.

The Joint Committee said that the role of preserving linguistic duality is affirmed rather than created and, because it is affirmed, it is an old role, not a new role.

However, "affirmed" does not mean "repeated." When legislators speak, they are assumed to say something. The Joint Committee would have role clauses of the Meech Lake Accord be a meaningless repetition of what is already in the Constitution. That sort of argument is not persuasive.

"Affirmed" in the Meech Lake context means affirmed by those party to the agreement. Affirmation is sometimes, for instance, used as a substitute for swearing, taking an oath, and when that happens it has a constitutive effect.

Finally, the Joint Committee argues that Quebec's "distinct society" is not inherently discriminatory. It may be that the Joint Committee would say that now, even in light of Bill 178 and the invocation of the notwithstanding clause, the League is opposed to the invocation of that clause and believe the clause should be abolished. But even if it is, the "distinct society" clause could be used to justify legislated discrimination.

I just wanted to conclude that this submission touches on three separate topics, but they all have a common theme. None rejects and confronts the substance of any of the agreements of the Meech Lake Accord. The acceptance of this submission does not mean denying the substance of the Meech Lake Accord. There is no apparent reason why the suggestions made here could not be accepted if put to all the signatories of the Accord. The opposition to change manifested by the Joint Committee and others is more in opposition to the notion of change than in an opposition to these changes.

What we see, by way of defence of the Accord, is fallacious far-fetched interpretations attempting to argue that the problems of the Accord are not real problems. But even if these defences are right in all of their interpretations, which we find hard to believe, it is far better to have the issues clarified by proper drafting than to leave the matters open to doubt.

Now the Ontario Separate School Funding Reference, which I have left for your consideration later, was decided and which I believe justifies this argument that the Accord will predominate over the Charter and cause problems for the Charter. That particular decision was made after the Meech Lake Accord was signed—the Accord was June 3, 1987, and the Reference Decision was June 25, 1987, some three weeks later. The reference is a major decision on the interplay between the Charter and the rest of the Constitution. Constitutional drafting should be made in light of the decision. It is sheer stubbornness to ignore the decision simply because it came three weeks after the Accord, rather than three weeks before.

The Constitution belongs to the people of Canada. It does not belong to the 11 First Ministers. A small

group of people acting quickly, coming all from the same perspective, a Government perspective, is not going to come up with as sound a document as a large group of people coming from many perspectives working carefully. Even if we accept all the fundamental compromises as the Meech Lake is given, it is possible to come up with a far better document than is now in front of us. Canadians would be foolish if we did not attempt to make our Constitution as sound a document as it possible could be. Thank you very much.

Mr. Chairman: Thank you, Mr. Matas. Questions from the Task Force? Mr. Doer.

Mr. Gary Doer (Leader of the Second Opposition): Thank you for the excellent presentation, Mr. Matas. Some excellent points raised. Dealing with the conclusion of the report, certainly all of us on this committee support the concept that improvements can be made, should be made, and should be made over the next 15 months that we have available to us prior to the alleged expiration date of the agreement. I guess my question is if we are able to get an all-Party agreement on the improvements that are necessary and, if we are able to take those improvements in a very vigorous and vocal way to First Ministers' meetings through our Premier and reach a point, say 12 months from now, where we are not able to get any changes, is it the position of the League that we should vote against this Accord if we are not able to get improvements, or should we vote for it with the wording that you have about the substance of the Meech Lake Accord?

Mr. Matas: Well, I may have a personal answer to that question but it is difficult for the League as an organization to answer that question because the League is mandated to deal with some issues and not with others. There are aspects of the Accord that are simply not within the mandate of the organization. When you make a final decision like that, I suppose it is a trade off between what you want and what you can get. Some of the elements of the trade off we simply have no position on and so we really cannot answer that question. Our position is related to these components of the Accord. All I can say is if that does happen, if the Accord is signed and the recommendations we proposed are not part of it, we will be disappointed and we will be critical.

* (1425)

Mr. Doer: As a supplementary, so there is no recommendation from the League if we are not able to get the positive changes that the League has proposed in terms of accept or reject, if we are unable to get, as I say, the positive changes that you have proposed.

Mr. Matas: That is right.

Mr. Chairman: Any other questions to Mr. Matas? Thank you very much, Mr. Matas.

The next presenter, ladies and gentlemen, is Mr. Leo Duguay, who is appearing as a private citizen.

Mr. Leo Duguay (Private Citizen): I want to, first of all, express my personal appreciation for the opportunity of appearing before you. I have for most of my adult life had a rather passionate interest in every discussion that affects the conditions under which Manitoba entered Confederation, but I have a second reason, perhaps more important. There was a poll in the *Globe and Mail* this week that said that something in the order of 35 percent of Canadians said they did not have enough information about the Accord to honestly make an opinion on it. I think it is absolutely desirable, as you have done, to make sure that we, who are or have been in public life, spend as much energy informing the people we represent so they, too, can make an informed decision.

It is disappointing to see some of the things that have been said about the Accord. My daughter, yesterday, showed me a report to constituents for the Member of the Legislative Assembly for Niakwa (Mr. Herold Driedger), in which there are some absolutely erroneous statements. That is not helpful if you are trying to inform the people you represent. Things like, "After Meech Lake," and I am quoting directly, "every province must agree to changes to the Constitution rather than the seven out of 10 provinces as it is now." Those who have read the Accord know the suggestion of Meech Lake is that there be three amending formulas, that a few things would require unanimity, that most things would require seven out of 10, and that some things could be done by one province and the federal Government together.

One of the things I felt very strongly about, as a person interested in the Constitution, is the necessity to go back and look at how it is we came to have the document we currently have as our Constitution. One of the things—by the way, I will not be reading the document word for word. I will try to highlight some of the concepts I think are important. The document can stand for the record and, as I often say, if you cannot sleep at night a few paragraphs of that would be very helpful.

One of the things that is obvious in the history of Canadian constitutional change—very obvious—is the fact that history shows us we have tried on a significant number of occasions to reach agreement and there are two characteristics of almost every attempt we have had, and that is deadlock and failure. In 1927, federal-provincial conference, the Fulton Formula of '61, the Fulton-Favreau Formula of '64, the Victoria Charter of '71, Prime Minister Trudeau's Bill C-60 in 1978—all of these things have ended in failure and, in this respect, the Meech Lake Accord is characteristic by having ended in success.

* (1430)

In 1982 we had, I think, an important change in our Constitution; we brought it home. The undeniable achievement of that amendment is significant. In 1982, I would remind you, there was also a bitter setback, and the bitter setback was that all of the provinces, except one, willingly signed the document. I know there will be arguments that their signature really does not matter and perhaps in a legal sense it does not, but

in a moral sense it matters enormously. We live today, five years later, and after a number of promises made by the federal Government to the people of Quebec, with a situation where they are not willing signatures to the agreement.

The federal Government of the Day on all our behalfs, in 1980, promised that there would be renewed federalism. Quebecers accepted that pledge and voted not to separate from Canada and yet, in 1987, after hordes of promises, we are still debating whether we should meet the commitments that we as a national Government and as a national people have made.

In 1987, the Meech Lake Accord was adopted unanimously by 11 First Ministers. Everyone will tell you that these are 11 ordinary men who sat in the dark of the night to arrive at an agreement. Let me tell you, and those of you sitting at the front know very well, that these First Ministers do not act independently. They cannot act independently of their caucuses. They cannot act independently of their Governments and, as you now know, cannot act independently of their Legislatures.

I had the privilege in the summer of 1987 of coordinating a Government committee that discussed this Accord. They had 110 hours of televised hearings. We received more than 300 briefs from Canadians, both individuals and groups. Other provinces have had hearings. I believe the significant aspect of what you are doing is that it will give Manitobans a chance to hear for themselves what the Accord is and is not. It is not perfect. It does not resolve all of the questions that we want to resolve. But I think, just as our former Leaders believed that the 1982 Accord was desirable without Quebec's signature, I believe that the 1987 Accord deserves our support, although it does not resolve all of the problems we would like to see resolved.

The Parliament of Canada has twice adopted resolutions supporting this Accord. All three Leaders of the national Parties in this country voted in favour and what may be of interest to Manitobans, particularly those of you in political Parties sitting at the front, is that on both occasions each Member of Parliament from Manitoba representing all three political Parties voted in favour of this Accord.

So it is not that your representatives in Manitoba had been bystanders in this process, your representatives federally in Manitoba had been front-line representatives in this issue. They sat on the committees, they asked the questions and, on our behalf, they have voted in favour of the Meech Lake Accord. Two years ago, the First Ministers, all 11 of them, affixed their signature to this document. The Premier of Manitoba, Howard Pawley, representing all of us in Manitoba, signed that document. I raised that historical record of our representatives supporting it, because today, because of a minority Government situation in Manitoba, support for something that we believe is very important is threatened particularly because the Leader of the Official Opposition (Mrs. Carstairs) has flexed her new-found muscle after the last election and has said, "Meech Lake is dead."

No one, least of all me, wants to question the right of a Legislature to review decisions made by a former

Legislature, but I do not think that is something that should be done on a whim. This is after all a commitment to the rest of Canada. Former Legislative Assemblies in Manitoba have honoured our commitments to Canada. The Premier—I assume his caucus and his Government at that time—supported this Accord, and let us not go back on it on a whim.

Let me spend a few moments, if I may, trying to attack some of the things which I believe erroneous. A number of things have been said about this Accord that I believe are not in the Accord, but the Accord does have some very important sections. Let me deal first of all with the concept of linguistic duality. It would be very helpful for all Manitobans to see the whole of the Constitution to be told for instance that the linguistic duality clause is in Section 2. It would be helpful if they knew that there was a Section 1. It would be helpful if someone pointed out that it is an interpretive clause, not a substantive clause, that it is designed to help explain what the substance of Canada is, what we are as a people and what legislation should reflect. In any case, it says that the Constitution shall be interpreted in a manner consistent with the fact that the recognition that the existence of French-speaking Canadians centred in Quebec, but also present elsewhere in Canada, and English-speaking Canadians concentrated outside Quebec but also present in Quebec, constitutes a fundamental characteristic of Canada.

As a young person who was born and raised in Manitoba, of parents who were born and raised in Manitoba 25 miles away from Winnipeg, who spoke very little English, I understand the significance of a clause which says that there are French-speaking Canadians also present elsewhere in Canada. My grandparents came to Manitoba before it was a province and so this country has a description. That clause attempts to do that.

Then in Part B of that, the recognition that Quebec constitutes within Canada a "distinct society"—and if I may be helpful for Canadians who do not know that, Quebec has a different legal structure. The Civil Code is used in Quebec, the British system used in nine other provinces. Quebec fundamentally and legally is a little different. I do not mind, and I do not see any problem with qualifying something that is different as distinct, as it is in this case. I would have minded if I thought this gave Quebec any extra powers or privileges, and it does not. The framers went purposefully to Section 4 of that same section which says, nothing in this section derogates from the powers, rights and privileges of Parliament of the Government of Canada.

So I point out, it is an interpretive clause. It describes the nature of Canada. It is not substantive but, yes, it will have a meaning and be used to evaluate the total of our Constitution, and it does have a non-derogational clause.

People have said that the federal Government has given away powers to the provinces in terms of shared programs. What can be more reasonable than stating that when the federal Government wants to adopt programs that are: (1) under exclusive provincial jurisdiction; (2) are new programs; and (3) shared cost programs, that if a province has its own program it will

not be obligated to pick up the federal Government and will receive its share of the resources.

The Accord gives the provinces a role in nominations to the Supreme Court of Canada and the Senate. It gives them a role, not as erroneously stated in some of Winnipeg's best newspapers, the right to name. There is a big difference. The Accord says that they will provide names from which the federal Government will choose. The Supreme Court of Canada is the arbiter of Confederation. What can be more reasonable than giving the people who are being arbitrated a voice in who sits there?

People have suggested that this Accord blocks a Triple E Senate. I would suggest to you that it is the status quo with Quebec standing aside that makes it such that we have not been able to have a discussion, a serious discussion about a revision of the Senate. The Accord states that we are going to do it this way until more major surgery is performed.

One of the things that I happen to like about the unanimity provision is that Manitobans are protected in this aspect because this is one of the items that is governed by the unanimity provision. Manitobans are also protected from someone imposing on us a kind of a Senate that we would not want.

Dealing with immigration, the most important thing to note—and I was pleased to see David Matas comment on it—is that the words that were quoted are in the political Accord, not in the Constitution, but also to remember that the Charter of Rights guarantees to Canadians the right to move from one province to another. No one in this country can tell where someone will live, even one day after they have arrived here.

The 1987 constitutional Accord resolved one problem, the one left behind in 1982, but it raises new issues which are not contained in the Meech Lake Accord. Senate reform will be the first item of round two. Charter rights are not as clear as we thought they were in 1982. Aboriginal rights remain unresolved and one should not forget that we have had four conferences between 1982 and 1987 to resolve aboriginal affairs. One should recognize that if Quebec had been at the table, in view of their ongoing support for aboriginal rights, we likely on any one of those four occasions would have resolved the problem by having at least seven provinces in favour.

* (1440)

Increased protection for multiculturalism, the constitutional future of the Territories, these are things which need to be addressed, but no one should expect that the compromise of Meech Lake resolves all of the problems that we, in Canada, want to resolve. It resolves the most important one that we still have left behind from 1982, but it does not resolve all the others.

The Leader of the Official Opposition (Mrs. Carstairs) was quoted as saying that, and I quote, she found, "the unanimity provision absolutely incredible, that little P.E.I. with 125,000 people, or Manitoba, should not have the right to deny territories provincial status." Well, if you look at that, you would recognize very quickly that since the federal Government, Quebec, Ontario, Alberta,

Saskatchewan, Nova Scotia, P.E.I., British Columbia, and Newfoundland have already adopted the Meech Lake Accord, if it was not for this unanimity provision, you would not need any hearings here today and you would not need the Legislature of Manitoba to make a decision, because that is eight provinces, and it already represents more than 50 percent of the population. So you cannot have it both ways. You cannot be against unanimity as a provision, and then at the first chance you get use that very clause to oppose what, I think, is an important change in Canada's history.

If Canada is to survive into the next century, there has to be a willingness to stand back from day-to-day politics and address fundamental concerns that represent a clear and present danger to national unity. Quebec's adamant rejection of the 1982 constitutional package was such a concern. The drive in western Canada for Senate reform is another important concern. Senate reform, however, will not occur until Quebec once again becomes a willing partner of Confederation, and therein lies the ironies surrounding the Senate and this Meech Lake Accord.

Two years ago, if this document had received reasonably rapid support from all of the provinces, we would have already begun the process of reforming the Senate, because Senate reform is the No. 1 item contained in the Meech Lake Accord for the next discussion. This Accord is a compromise. It is not perfect and it does not resolve a lot of things that all of us care a lot about, but it was reached by our duly elected representatives, I repeat, on behalf of their Governments and caucuses. I assume it represents a generous and open-minded act of national reconciliation.

Far from undermining Canadian nationhood, its goal is to affirm a united Canada in diversity and strengthen by recognition of shared responsibility for achieving national goals. I urge you, as Members of the Manitoba Legislature, to—not to suggest to everyone that it is perfect and that no changes can ever be considered, but to accept it for what it is, to not let those who would divide us, easily divide us, to explain to them the importance of this document, not to neglect history, not to neglect the promises made in the early '80s by our Governments and by many of us and to adopt this Accord because it is in the best interests of Canada.

Mr. Chairman: Thank you, Mr. Duguay. Questions from the Task Force for Mr. Duguay?

Mrs. Sharon Carstairs (Leader of the Opposition): Yes, I would like to just address one specific question because Mr. Duguay raised it. In speaking about the unanimity provision, with regard to the entry of new provinces, why does he believe that the Yukon and the Northwest Territories should play under different rules than the original 10 provinces which made up this Confederation?

Mr. Duguay: I do not think that they should play under different rules but, if you want to check the record, it will show that at the committee hearings in 1987 I asked both Leaders of the territories of the Yukon and the

Northwest Territories whether, one, they intended to ask to become a province. The answer was no. I asked them whether there was any chance that would happen in the near future, and they said no. But, nonetheless, it would be my own personal view that is an item that should be considered in the next round. I do not see that it is urgent. I would not hold up the Accord to try and resolve it, but I think it could be looked at in round two and quickly. I have no particular support for trying to impose those conditions, but they both told us that they did not see it as even anywhere near being an urgent matter.

As I recall, I asked about 25 or 40 years and was told, no, they did not see there was any likelihood that even in that time frame they would want to be provinces. You are looking at 25,000 or so people in one place and 40 in the other across gigantic and vast territories. Although I would like to consider your suggestion, I do not think I would hold up the Accord to do that.

Mrs. Carstairs: Do you think that it is likely that 10 provinces, having been given the power to veto the entry of new provinces, would give that up in future constitutional negotiations?

Mr. Duguay: That is a question, I guess, of opinion. I am heartened always by Canadians and their sense of fairness. This document took all the Governments to sign and, on four other occasions since the '40s—unemployment insurance and the Canada health plan—we have had unanimity amongst people. We have had three political Parties nationally endorse this. So I think there is a lot more fairness in Canadians and in their Governments when it comes to constitutional matters than there is pettiness. I have asked you to look at this in the broad, national interest, and I think you will and I think others would do exactly the same.

Mr. Doer: I will not react to the comment about pettiness, because I think there are a few petty shots in the brief that are unnecessary for these deliberations. I say that in terms of the Leader of the Opposition (Mrs. Carstairs), I do not think that will be helpful.

Mr. Duguay, I was just listening to your comments about the Yukon and Northwest Territories. I happen to have the testimony at the 1987 hearings, and I clearly see that Mr. Pagtakhan was stating that they are not provinces now, nor do we seek provincial status, but we would clearly want to have the same fundamental rights as other Canadians consider fundamental ought to be denied, should not ought to be denied for the Yukon and Northwest Territories. The testimony I have read in the House of Commons debate clearly indicated they do not want a double standard that we did not have in joining Confederation, nor did Newfoundland which is celebrating its 40th birthday in terms of their joining Confederation. I think we should be very clear about that in terms of the unanimity provision.

Mr. Duguay: There is no disagreement on that. I only asked them whether it was urgent or imminent and they answered no, but I do not disagree with you.

Mr. Doer: The issue of changing the amending formula for them was urgent, imminent and very major. Would

you not agree that it was a very major change in the fundamental rights of the people in the Northwest Territories and the Yukon, that they felt was an absolute restriction and a fundamental denial of the same rights as other people had in Canada in terms of joining Confederation as a province?

Mr. Duguay: I make the assumption that your then-Leader discussed this with your caucus, as I know our Leader discussed it with us and, recognizing the nature of this document and compromise in a political situation, this may have been one of the issues some provinces felt strongly about, others did not feel quite so strongly about. I can only repeat, historically, there was agreement this is the way it ought to be. I do not particularly think that is the way it should be forever. I think it could be discussed, but I would not hold up the Accord for this purpose.

Mr. Chairman: Other questions? Mr. Carr.

Mr. James Carr (Fort Rouge): Mr. Duguay, one of the problems with ambiguous Constitution writing is that it lends itself to various interpretations. You have told us this afternoon that the "distinct society" clause does not really mean anything. It is there as a descriptor. It is an interpretive clause, but it does not have any real substance within the Canadian Constitution.

Others have said things differently. When it came time to withdraw the Accord from the Manitoba Legislature, our Premier (Mr. Filmon), who sits right beside me, withdrew it because it was in contravention to the spirit of Meech Lake that Monsieur Bourassa made certain pronouncements on language in Quebec. Mr. Bourassa, himself, said that the "distinct society" clause would not make it necessary for him to invoke the notwithstanding clause of the Charter, so already we have wildly different interpretations of what that "distinct society" clause means. Now I also know that while you are a private citizen, you also, I believe, work as Chief of Staff of the Minister of External Affairs. Am I right about that?

Mr. Duguay: That is true, but I am not appearing in that capacity, which is all I was asked to indicate.

Mr. Carr: I appreciate that. Mr. Bourassa was recently back from a trip to European capitals and a communique from his office said that it was the most important mission ever undertaken by a Quebec Prime Minister. A journalist reporting from Brussels said, and I quote, "Premier Robert Bourassa would like Quebec's international autonomy to be confirmed in the Canadian Constitution." I wonder if you are in agreement with that comment.

* (1450)

Mr. Duguay: Let me, if I may, say two very quick things. First of all, I did not say that the "distinct society" does not mean anything. I did not say that. What I did say is that it has a meaning that at the very least it implies the fact that Quebec currently uses a different legal system. I did say that it is an interpretive clause,

and I did say that it is not granted any special powers or privileges because Section 4 has a non-derogation passage to do just that.

But I would add that there are all kinds of phrases in our Constitution. The phrase "reasonable limits," "demonstrably justified," "a free and democratic society," peace, order and good Government," these are all phrases that have been written in previous Constitutions with a principle in mind, and knowing full well that a nation evolves, that a country evolves, that these things will then at some point or other have to be interpreted by the Supreme Court.

If you would ask me on another day whether I think that is the way it ought to be, we could have a very interesting discussion. But it is the way it is. The Charter of Rights lays out some principles. Some of them are not all that clear, and so the courts have to interpret them. Sometimes they have to interpret one fundamental right versus another, and what this will do is it will add another dimension to those things that the court must use in terms of interpreting our Constitution.

With regard to your last point, I did not see the specific thing that you referred to, but I do not always agree with Mr. Bourassa. I did not agree with what he did in December either, but every Premier in this country sometimes says things with which we disagree. I do not think it is my role here in addressing Meech Lake to specifically offer Canada's opinion about what a particular premier does. We have people who can speak for that much better than I can.

I came as a private individual who has spent a large part of his life working on constitutional change hoping that—without trying to be petty, and I did not mean to, I thought those were important aspects—to contribute to what I hope will be an informed discussion in Manitoba, because my judgment has been that where this report has been read some people have come to the conclusion that we could do more and that we could do better, but very few people have come to the conclusion that this is hopeless and has to be scrapped. I think it is too important to be scrapped.

Mr. Chairman: Any other questions? Mrs. Carstairs.

Mrs. Carstairs: Yes. Just one final question to Mr. Duguay.

Mr. Chairman: We have a minute and a half left.

Mrs. Carstairs: Yes. Mr. Duguay, would you support a reference of the "distinct society" clause to the Supreme Court of Canada to end the ambiguity that exists in the variety of interpretations of that "distinct society" clause?

Mr. Duguay: No, and I can tell you why. I do not think it is an appropriate vehicle to use to refer interpretations to the Supreme Court of Canada. Peace, order and good Government, you could ask a million people what it means. There is not, believe it or not, much agreement even that when that clause was invoked by then Prime Minister Trudeau in 1970, there is very little historical

agreement that he invoked it correctly. There is still quite a bit of difference of opinion.

So I do not think you would gain very much by asking a court because today's opinion in constitutional language might be different from what this country evolves to be in 20 years. That is the nature of our Constitution. We state our principles and as they evolve the Supreme Court judges on them with a formula that I have come to accept called *etatism*, step by step, small changes and concepts grow to be fundamental to how we, as Canadians, have grown.

Mr. Chairman: Thank you very much, Mr. Duguay. The next presenter is Mr. Ian MacPherson.

* (1500)

Mr. Ian MacPherson (Private Citizen): The committee, studying the Meech Lake Accord, good afternoon. I am not used to speaking in public, but I will do the best I can to express my views.

I am against the Meech Lake Accord completely. It should be allowed to die.

Quebec should not be given special status as a "distinct society." As long as Quebec is a part of Canada it should be an equal partner in Confederation with no special privileges over other provinces. No single province, and that includes Quebec, should have a veto over constitutional change.

We should have an elected Senate with equal representation from each province, similar to the Senate of the United States and Australia, with elections held at fixed intervals with a maximum five-year term between elections.

Yukon and the Northwest Territories should be allowed to obtain provincial status or, if one or both of them would choose to join one or more of the other provinces, if they feel they would prefer that to remaining territories under the control of the federal Government.

The House of Commons and an elected Senate with consultation with the provinces should control appointments of the Supreme Court judges. The present system of the Prime Minister appointing Supreme Court judges is wrong and inconsistent with the democratic system of Government.

The number of Supreme Court judges from Quebec should be reduced and the representation from the four western provinces and the Maritime provinces should be increased.

Mr. Chairman: Ladies and gentlemen, I would ask you to refrain from applause, please. If you want to applaud at the end, I think that is appropriate. Spontaneous intermittent applause will simply prolong our proceedings unnecessarily. Carry on, please.

Mr. MacPherson: There should be no restrictions on freedom of trade between the provinces of Canada.

A clause in the Meech Lake Accord says that the Prime Minister and the 10 provincial Premiers should

meet at least once a year to discuss the economy and other matters. This is wrong. The Premiers should have other MLAs and advisors with them. They are pushed by the Prime Minister to make quick decisions on important issues, sometimes keeping them half the night till they are too tired to think properly. This is no way to handle federal and provincial issues.

If a province opts out of a shared cost program, it should not receive any compensation. Important constitutional changes should be put to a referendum and let the people decide.

All Canadians are entitled to fair treatment from the federal Government, but the western provinces are not getting fair treatment. The wealth of the country is being poured into Quebec, along with other special privileges like the transfer of the Air Canada overhaul base from Winnipeg in 1960, the awarding of the CF-18 contract to a Montreal company, even though Bristol had a cheaper bid and better technical knowledge. Recently an Ottawa aerospace plant was moved to Montreal and is to be greatly expanded. This is just a small part of what is happening and Quebec has made French the only official language in that province, while the federal Government has spent billions of dollars trying to force the French language onto the English-speaking provinces. No wonder we are one of the highest taxed countries in the world.

The four western provinces should get together and take a lesson from Quebec and make English the only official language in the four western provinces.

A lot of us, in fact, I am sure most of us—I am getting ahead of myself. On immigration, I think the provinces should have some input on immigration policy. Quebec should not receive 105 percent of their quota of immigrants as has been suggested. A lot of us, in fact I am sure most of us, are concerned as we see the steady flow of non-white immigrants coming into our country. It is almost impossible for people from Britain and other western European countries, except France, to gain admittance to Canada as immigrants. Most of us who were born here have lost contact with relations we may have in Europe and cannot sponsor anybody. The Asians, being recent arrivals, still have contact with their relatives and can sponsor all their relatives. The sponsor system should be stopped. Immigrants from France do not come under the sponsor system and that should apply to all the rest of Europe. A referendum should be held on immigration and let the people decide immigration policy.

When I went to school, the history book said that The BNA Act of 1867 recognized English as the language of communication in Canada but, as a concession to the French-speaking people in Quebec who want to keep their language, Quebec will be designated as a bilingual province with French and English having equal status in that province and court trials in Quebec will provide bilingual services in that province. Also to accommodate Members of Parliament from Quebec, the House of Commons and the Senate will have bilingual services provided.

That is all the original BNA Act said about language in Canada. The original BNA Act of 1867 was written

entirely in English. There was not even a French translation. I understand that the children in Canadian schools are now being told that Canada was founded in 1867 as a bilingual country, which is not true. Thank you.

Mr. Chairman: Thank you, Mr. MacPherson. Any questions to Mr. MacPherson from the Task Force?

The next presenter is Mr. David Bowman, private citizen.

Mr. David Bowman (Private Citizen): Mr. Chairperson, ladies and gentlemen, I do not have a written brief. Through many years I have learned I cannot stick with one and so there is no point in writing one. Consequently, I have only some notes.

I think at the outset it is only fair to perhaps lay out my credentials and state my biases. I am a lawyer of quite a few years experience in the trial courts in criminal and civil matters, and more recently as an arbitrator. I have been a Member of the Liberal Party for a great part of my life. I want to make it clear that although I am an opponent—a very vigorous opponent—of the Meech Lake Accord, it comes not from the slightest anti-French bias, and I hasten to dissociate myself from some remarks of a few moments ago.

Indeed, as a long-time supporter of bilingualism and as one whose two younger daughters went through French immersion from Kindergarten to high school, I take the view that the Meech Lake Accord is suicidal for Francophone communities outside of Quebec because it seems to me clear that we will see, if Meech Lake ever becomes part of our Constitution, which I devoutly hope will not take place, a continued erosion of the rights of the Anglophone minority in Quebec followed, if not anticipated, by an erosion of the rights of the Francophone minority elsewhere. My own French is barely adequate. I shall not inflict it upon you.

Now I think it necessary to dispel some myths. We keep hearing that this is needed to bring Quebec into the Constitution and that is nonsense. Quebec is part of Canada, is part of the Constitution, and to suggest somehow that we have a very large territorial and populatory chunk which is in limbo is an exercise not merely in futility but in total stupidity.

I also would suggest that it is obviously better if we have Quebec as a willing participant, a signatory. It is an end to be desired, but not to be desired at any cost whatsoever, not to be desired at the cost which would be exacted by Meech Lake.

* (1510)

I would also suggest to you that we are confronted constantly with the argument that if Manitoba should defeat Meech Lake as it presently stands, we will be responsible for turmoil, we will be responsible for a constitutional crisis. To that, with respect, I say balderdash. There was no great problem after 1982. As I think it was Pierre Trudeau put it, despite the Government of Quebec, the people of Quebec yawned and went on about their lives.

The problem arises because of the unreasonable and unrealistic expectations created by the present Prime

Minister when he called together the Premiers and proceeded to attain an agreement at no matter what cost to the federal presence and the structure of this country. If responsibility is to be laid at anyone's door, for any response should this agreement be rejected, it is at the door of the Prime Minister, not that of Manitoba. Meech Lake, I would respectfully suggest, is a Charter of Rights for Premiers, not for provinces, and certainly not for people—for Premiers and Premiers only.

Now obviously in the time available I cannot hope to cover the question. I will try to touch upon a few of what I regard as the more dangerous elements. I turn to the proposed amendment which is a schedule to the enabling resolution and obviously to Section 1 which adds to the interpretation clause of the Constitution Act 1867, and is the so-called Quebec clause or "distinct society" clause.

What does it mean? Scratch five experts, you get five opinions. I hasten to say I am not a constitutional expert. Having read many of them, I am not at all sure I would want to be.

Some tell us that it is meaningless; it is merely the restatement of a cultural linguistic and historic fact. Others tell us, like Mr. Bourassa, that it will give him added powers. I do not know, ladies and gentlemen, and I suggest you do not know, but I do suggest that by the time the courts get around to telling us what it means, it may be dreadfully late.

You know, in my experience dealing with collective bargains, I have often seen where the negotiators would finish reaching agreement on the major economic questions, then they would fudge some point on which they could not really agree. They would come up with language which they could take back to those who sent them, and each say we won, each giving his own interpretation. Then they would hope devoutly that during the one or two or three years of the agreement nobody questioned it, and no arbitrator like your Chairman or myself, or no judge, ever got a crack at it.

Well, that may be a legitimate way of dealing with something in a contract that is going to last for a year or two or three. It is not a legitimate way, I suggest, of dealing with something which is to last as long as this country of ours endures. It is not a legitimate way to write a Constitution.

I suggest to you that we could add simple terminology. I heard Mr. Duguay talk of it as an interpretive section. It is, but that is a very important thing. Interpretive sections are used to instruct the courts as to how to approach the problem. I suggest if we added the words, "nothing herein shall be construed to derogate from or limit any rights conferred or confirmed in the Constitution Act 1982 or the Canadian Charter of Rights and Freedoms." We would solve at least a large part of the problem because the present non-derogation clause protects the rights of Government, not the rights of people.

Turning to the question of the Senate under Section 2, I wonder how much sense it makes to take a body,

which is criticized as being a mere patronage haven, for one level of Government and make it a patronage haven for 11 Governments. I cannot honestly see that this is an improvement. Does this proposal add to the prestige or authority of the Senate? No. Does it help the areas outside of Ontario and Quebec to achieve some kind of fairness, despite the huge margin that those provinces sold the House of Commons? No. Does it add anything to the strength of those other provinces? No. When we consider the later unanimity requirement, I suggest there is no reason to believe the conference, which is required to be held, will achieve the unanimity required to do anything with the Senate, except to perpetuate what Meech Lake prescribes. If there is anyone in this room who can honestly believe that Ontario and Quebec will willingly give up the economic clout conveyed by their margin in the House of Commons without, in effect, having to trade it for other things, then, ladies and gentlemen, I would be happy to sell you some gopher ranches that I have throughout the West.

I suggest we need a Triple E Senate or some functioning variant to counterbalance the central provinces. I suggest we will never get it if Meech Lake goes through. I suggest that if that happens, we will see the alienation in the West, which we already see, and see, in my view, frighteningly. We will see that increase and grow, perhaps to the point of separation.

I would like to think that my grandson, who is three, will grow and live and flourish in the Canada I have known, not in a Canada truncated by the gradual disappearance of western provinces and that, I fear, could happen. We need Senate reform, we will not get it this way.

On the question of immigration, mostly what we have here confirms an existing agreement. The only question I ask is why does Section 2(b) guarantee to Quebec a share of the annual immigration proportionate to its present population plus 5 percent? Does this mean we must freeze the other provinces or that the growth of one must be at the expense of the limitation of another? I am not sure, and I am not sure why the provision is there. I do think it warrants looking at.

Then we come to Section 6 of the schedule, the Supreme Court. Part of it confirms the existing law till we get to 101C(1) and the following clauses. The provinces submit names, the federal Government appoints from the list. Now consultation with the provinces is not a bad thing. Indeed, the Canadian Bar Association has made proposals for Supreme Court appointment reform, which include that, but consultation and constitutional strait-jacketing are different things. I would suggest that we are heading in the direction of the International Court of Justice sitting at The Hague, whose members are delegates from the countries which appoint them and whose votes and opinions routinely reflect the interests of those countries. For that very reason there is very little real international law and very little real respect for anything said by the International Court of Justice.

* (1520)

Why do we need this provision for the Supreme Court? Under Section 7 of the Implementing Resolution

Schedule, the shared cost programs, it has been argued that this dilutes or diminishes the power of the federal Government to equalize rights and conditions of Canadians all across our country. That, I would suggest, is almost undoubtedly true, but the big villain is that nasty little word "compatible." Compatible, as I understand it, usually means not contrary or not subversive to whatever it is supposed to be compatible with.

I would suggest that under that it might be possible for a province to say we will allocate \$100,000 for day care and now we want \$25 million, which is our share of what the feds would put in. Maybe not. I am no constitutional expert, but it scares me. If it read, rather than compatible only, substantially equivalent in cost with what it would contribute if participating and is compatible, then I suggest we could answer that problem.

We have Section 8 and Section 12 on these conferences on the economy and on the Constitution. The Prime Minister can invite Premiers to a conference at any time. The Premiers can request conferences. Why do we need to establish a third constitutional level? Why do we invest provincial Premiers whose very background, talents and abilities are best suited and aimed at advancing the interest of each own province with a federal, a national responsibility? I wonder if there is any use to this proposal except to allow Premiers to parade together on a regular footing in public and perhaps make agreements which, if they enjoy majorities, can be binding on the people without further consultation.

Then we get to the constitutional amendment section, Section 9. I will skip over to the unanimity bit with respect to the Senate, the Supreme Court and the Territories and amendment to the part itself. We already know, I suggest, that respecting the Senate, it dooms reform; respecting the Supreme Court, it freezes the powers now given to the provincial Premiers; with respect to the Territories, it shuts them out. No other province admitted since 1867 has required more than the agreement of its own representatives in the federal Government.

Are the Yukon and Northwest Territories so inferior? Are the predominantly Native inhabitants so unfit? Why? Why do we need unanimity at all? I know of no other Constitution that demands that. The United States has the longest history of living with a written Constitution, and God knows its amendment provisions can be tough. They recently defeated the Equal Rights Amendment narrowly, but at least they are possible: two-thirds in the House, two-thirds in the Senate, two-thirds of the States regardless of population. Surely our own 1982 rule of both Houses and two-thirds of the provinces representing 50 percent or more is tough enough. Why do we need unanimity?

And we will say in that context, ladies and gentlemen, that I find it a little hard to believe that the framers of Meech Lake were so much wiser for all time to come than the Fathers of Confederation in 1867 or the American Constitutional Convention of 1783. Now I end where I began, Mr. Chairperson, and ladies and gentlemen. Meech Lake adds nothing to the liberty of

the citizens, the quality of life of our people. It does not even benefit the provinces, merely the Premiers of the provinces.

Manitoba is a province and a people who ought to appreciate more than most the importance of cost-sharing programs, the importance of the need to redress the balance of political economic power so tilted now in favour of the central provinces. Manitoba has so much to lose by Meech Lake. More, however, Canada as we know it has so much to lose, and I ask you to remember at the outset of the Second World War when Neville Chamberlain and his Ministers had lost the trust of the House, Members of the House of Commons of Great Britain cried out to a heavy-set bald backbencher, "Speak for Britain," and Winston Churchill responded. I hope that Manitoba, inspired by this committee, will speak for Canada. Thank you.

Mr. Chairman: Questions to Mr. Bowman?

Hon. Gary Filmon (Premier): Yes, Mr. Bowman, you have indicated in your presentation that you believe that the Meech Lake Accord will reduce or diminish Francophone rights in Manitoba and elsewhere in the country outside Quebec. Can you indicate how you see that happening?

Mr. Bowman: Simply because, Mr. Premier, I have watched the reaction to Bill 178 in Quebec, and I see a backlash. I see a reaction and I see it as an ugly one. I was not of course singling out Manitoba. I think it will likely happen in many places that there will be a real feeling if Quebec is going to diminish the rights of Anglophones, then why should we expand, why should we even tolerate the present rights of Francophones? I do not think it will be a conscious, a deliberate legislative process, but I think the pressures will become almost unbearable at every level on a day-to-day footing.

Mr. Chairman: Other questions? Thank you very much, Mr. Bowman. The next presenter is Ms. Dorothy Muller representing the YM and YWCA of Winnipeg.

Ms. Dorothy Muller (YM-YWCA of Winnipeg): Mr. Chairman, ladies and gentlemen, my name is Dorothy Muller, and with me is Annette Willborn who is the Executive Director of the downtown branch of the YM-YWCA.

Mr. Chairman: Ms. Muller, would you just like to pull that microphone as close as you can. I am sure some at the back cannot hear you.

Ms. Muller: Is that better?

Mr. Chairman: That is much better.

* (1530)

Ms. Muller: The YM-YWCA of Winnipeg welcomes this opportunity to express its concerns regarding the constitutional reform envisaged in the 1987 constitutional Accord signed at Meech Lake by all First Ministers June 3, 1987.

The YMCA opened its doors in Winnipeg in 1879 and since that time has offered services in such areas as housing, child care, employment, fitness and recreation. Some 20 years later the YWCA of Winnipeg began providing services for women and girls, and over the years has advocated for changes in legislation and employment policies to enable women to participate more fully in the economy on an equal basis with men. The two organizations amalgamated on January 1, 1987, in an effort to provide better service and achieve improved financial health.

The Meech Lake Accord addresses many aspects of life in Canada from Quebec immigration to changing the method of appointments to the Senate and Supreme Court. While we support the intent of the Accord, we would like to focus on three areas of concern: national shared-cost programs, individual and equality rights and the amending formula.

First is the national shared-cost programs. The Y provides services in child care, employment, skills retraining and shelters for battered women, to name a few. Many of these services are cost-shared between the federal and provincial Governments. It is the potential effect of the Accord on these and other services which we would like to address.

Section 7 of the Accord allows provinces to opt out of national shared-cost programs, if the province carries on a program or initiative that is compatible with national objectives.

This provision raises two areas of concern for us. First, the limiting of federal spending powers; and, second, the potential diversion of funds intended for social, educational and health care programs. Any weakening of these programs would have extremely adverse effects, particularly on women and their children who are major users of our programs.

Our difficulty is with the vagueness of the terms "initiative," "compatible" and "national objectives." Provinces already have the option of opting-out of national cost-shared programs but, if they do so, federal funds are not available to them. There is, therefore, some incentive to remain in the national program. If the opting-out clause is entrenched in the Accord, provinces will be able to opt out and still receive Government funds for a "program or initiative compatible with national objectives" which, depending on how these terms are interpreted, could result in the money not being used for the purpose for which it was intended.

For example, in the area of child care, a program may be compatible with national objectives, but the quality of that program may be not only well below what parents and day care professionals might consider adequate but inconsistent with the quality of care provided in other parts of the country. That is not to say that the provinces will not create good quality programs on their own, but there is no guarantee of a minimum standard of service throughout Canada.

We need equal access to equal services across the country in crucial social programs such as health care, child care, income support, skills retraining, and so on.

The federal Government does not have the resources to do it alone. We understand that one of the difficulties in setting up standards is the need to put in place a whole range of definitions pertaining to social services. I have heard this would be an intrusion into any Constitution.

Nevertheless, it is essential that the Government of Canada finds some way to overcome this problem. Under the Canada Health Act, health care across the country is scarcely equal on a province-to-province basis but, despite this, there are still minimum criteria which must be met. Standards have been the key to success of national programs such as Medicare. At the very least, the money should be used to enhance these minimum standards.

The YM-YWCA of Winnipeg, therefore, supports the YWCA of Toronto's recommendation that Section 7 of the Accord be deleted.

Individual and Equality Rights—Clause 16 of the Accord specifically exempts multicultural and aboriginal rights from being affected by the Accord's guarantees of linguistic duality and "distinct society." This clause appears to leave the Constitution open to an interpretation, which would put the Charter guarantees into a subordinate position should these Charter rights ever come into conflict with other constitutional interests. In other words, this gives an opening for judicial interpretation that other individual rights of women, minorities, and the disabled, etc., are affected by these provisions.

The manner in which the Accord has been drafted with respect to equality rights has already become the subject of fierce debate in the legal community. We do not wish to enter into the legal arena ourselves, having received conflicting legal opinions on whether or not the rights of women and minorities, etc., are indeed at risk. However, because there is such confusion, we would like to see some clarification that these rights remain protected.

Therefore, consequently the YM-YWCA of Winnipeg supports the YWCA of Toronto recommendation that Section 16 of the Accord be amended to include Section 28 of the Canadian Charter of Rights and Freedoms—a minimum position—or Section 16 be deleted and provisions stating that all Charter rights prevail over the Accord be added.

Lastly, the amending formula—the Accord changes the future amendment procedure by requiring unanimous consent of all the provinces to changes to significant national institutions such as the Senate, the Supreme Court and the establishment of new provinces.

Obtaining unanimous approval will be extremely difficult and therefore change in these areas would seem to be all but impossible. With the provinces gaining such extensive veto powers, their bargaining leverage is increased in virtually any area of federal-provincial negotiations. We would be seriously concerned at the possibility of any province being in the position to significantly inhibit recognition of the Territories and aboriginal rights and self-determination.

The YM-YWCA of Winnipeg, therefore, recommends a return to the amending formula in the current

Constitution: consent of seven provinces accounting for half the national population.

These are the three major concerns we have with the Accord. Although there are others, these three have the widest implications for the people we serve.

Mr. Chairman: Thank you very much, Ms. Muller. Questions from the Task Force? Mr. Doer.

Mr. Doer: I would like to thank you for your excellent presentation on behalf of the YM and YWCA. My question concerns the position on the spending power provisions in the proposed Meech Lake Accord. I certainly support the position you have arrived at in terms of the difficulties with the existing draft wording in terms of its effect on equal services across the country.

What I would like to know is, is the position of the Y to delete that clause, as opposed to amending that clause, the position taken across the country dealing with shared-cost programs? You have quoted Toronto, and I have read all the testimony from Ontario which was not as concerned as testimony in some of the Atlantic provinces about the duality of the spending programs, notwithstanding the weaknesses of the existing proposed Meech Lake wording.

Ms. Muller: I would say that we are concerned about the fact that it will have the most marked effect on the women of Canada. Women of Canada have looked to the federal Government to provide leadership and to provide a comparable range of services across the country. It worked so well up to now, I suppose we cannot see why it needs to change. What is the driving force for change?

Mr. Chairman: One supplementary, Mr. Doer, and then Mrs. Carstairs.

Mr. Doer: I respect that position. I guess what my question is would the YMs and YWCAs in Atlantic Canada have the same position? Is it a national position? I am just trying to get—because this is a national issue with the shared-cost programs and I respect your advice on this.

Ms. Muller: Yes, I would ask Annette to answer that.

Ms. Annette Willborn (Executive Director of downtown YM-YWCA): The Y in Canada is structured so that each local association has its own opinion and arrives at its own policy decision around issues such as this, so our Y association only speaks for the YM-YWCA of Winnipeg. There is, as far as I know, no national stand on Meech Lake on behalf of either the YMCA of Canada or the YWCA of Canada.

Mrs. Carstairs: There are two ways of looking at this. One, of course, is the opt-out nature that has been there, but if you opted out there was no funding. The second is the national standards issue. Which would be your preference, if you had to choose, having national standards become the operative word in the Meech Lake Accord or providing that if people opted out—provinces opted out—they would get no funding?

Ms. Muller: It is difficult for us to speak on behalf of the association, seeing that we go through a board structure and the recommendations have been passed by board, but I think one of the things that we are looking for is national standards. That is very important. Do you have any comment?

Ms. Willborn: No, just further to that, the ambiguity in this section of the Meech Lake Accord really concerns us. A lot of the words are not clear. For example, what is a national shared cost program? We are not sure which are the programs that fit under that definition and which are not. What is a national objective? What is a national standard? Those things are not made very clear and really leave themselves then open to interpretation and that is where we become concerned.

* (1540)

Mr. Filmon: I want to follow up on that because I wondered about the references in your presentation. You referred to your concerns about programs that are existing, and the Meech Lake Accord refers to new national cost share programs, that is, ones that are not currently existing and that they are in areas of total provincial jurisdiction. So I guess the issue is, is your concern about existing programming or are you anticipating new programming and that is a concern for you?

Ms. Muller: I would think that we are concerned that programs be fragmented and people across Canada are not getting similar equivalent programs.

Ms. Willborn: Just further to what Dorothy is saying. I think her point about the fragmentation is really important. I am not secure that this is only reflecting of new programs. Again, existing programs and programs that would be secure are not outlined in the Accord and so that is a concern.

Mr. Filmon: If it did not affect existing programmings, does that remove your concern?

Ms. Willborn: If I could be made felt to, you know, be secure that it does not affect existing programs, but that does not come across to me in the Accord as it is written.

Ms. Muller: There is also the point that any future programs may not be the same in nature. They may not be nation-wide, for instance, Medicare.

Mr. Chairman: You probably are both aware that, of course, the intent of the Accord is related to opting out on future programs, not on existing cost-share programs.

Ms. Muller: Yes, yes, so we are concerned about that.

Mr. Chairman: Any other questions from the Task Force? Thank you very much, ladies.

The next presenter is Professor Bryan Schwartz who appears as a private citizen.

Mr. Bryan Schwartz (Private Citizen): May I proceed, Mr. Chairman?

Mr. Chairman: Yes, sir, we are ready. The sound system is not as good as it might be, so if you would speak right into the microphone, we would be grateful.

Mr. Schwartz: Mr. Chairman, the brief that, in effect, I am submitting is the article refashioning Meech Lake which was published recently in the Manitoba Law Journal. At my own expense, I have furnished you with copies of that. Of course, given the very limited time, I will only speak thematically, rather than going into a great deal of detail.

I am very moved to see the presence of all the leaders here today. The frustration that many of us have felt with the contempt for democratic process that has been exhibited throughout Meech Lake from its creation to the present time is something that engenders the utmost despair, despair not only about the contents of Meech Lake but whether we really care about participatory democracy in this country.

Eleven First Ministers get together and cut a backroom deal. No consultation with Ministers, Cabinets or the people. Most provinces do not even have public hearings. Three provinces had public hearings in which the overwhelming majority of citizens spoke out against Meech Lake and that was completely ignored. There were two hearings at the federal level, one of which at the Senate, reported that the overwhelming majority of witnesses insisted that Meech must be changed or scrapped. The only reason that the federal hearings appeared to be slightly more balanced is that they were manipulated and stacked.

Now the perspective from which I am speaking is not that of a politician or a polemicist. Before I spoke up publicly on Meech Lake, I spent seven intense months attempting to conduct a thorough scholarly analysis of the Accord. Before coming to any adjudgment, I attempted to trace out both the pros and the cons. I think the scholarly community has recognized that. A recent review of fathoming Meech Lake has praised it for being balanced and thorough. I think the critics of Meech Lake have recognized that, although they have taken me to task occasionally for being too generous to the Accord.

In retrospect, if it was anything it was too generous to the Accord. The experience in the subsequent years of the performance of the Governments of Quebec and Alberta and the federal Government have certainly not enhanced my confidence. The proponents of Meech Lake, the apologists for Meech Lake, have paid me a very great compliment. On a number of occasions, they have taken arguments developed in my book and used it to defend the Accord. They always do it without attribution, but I will still take that as a compliment.

We are playing for keeps here. You are not just deciding for Manitoba, you are deciding for this country. You do not know if and when New Brunswick will be rolled over, through intimidation or coercion. This may be the last chance to fight for an idea of Canadian nationhood. So you are not just deciding for this

province, you are deciding for Canada and you are deciding for what is left of Canada for all time. Nothing in Meech Lake can ever be undone. Forget about the second round. It would take unanimous consent to reverse anything in the Accord that is damaging to this country. Absolutely everything will require unanimous consent from all the Premiers to reverse, and that includes the spending power because you can opt out of changes in it. Yes, Premiers are more than happy to grab power for themselves but try and get unanimity to return it to the federal Government, to build a stronger national Government or to return it to the people. That will never happen and I think you know that.

The judgment I came to after conducting that analysis of the Accord is this: that the Accord is a deathblow to Canadian nationhood. It attacks national unity and it attacks all the fundamental political values that make this country worth preserving as a nation. That includes the network of social programs, the national system of human rights, which should apply everywhere, including the so-called "distinct society." It includes the principle of respect for linguistic minorities which should be observed everywhere—in Quebec, in Manitoba, in Alberta—across this country. People everywhere should feel that this is their home, Canada, regardless of which language they speak.

Meech Lake shows, in its substance, the same contempt for democratic process that it was embodied in its process. The entrenchment of this new order of Government, the permanent cabal of First Ministers is unacceptable, the playing games with the Senate is unacceptable. Meech Lake attacks the principle of regional equality, the principle that all parts of Canada, including Manitoba, including the Northwest Territories, feel they can fully participate in Confederation and share in its benefits. Is building provinces part of building this country? Of course, it is.

I was born in western Canada. I have lived here all of my professional life. I have worked for the Government of Manitoba. I have known what it is like to see federal arrogance and insensitivity and distance. I know that provincial Governments have great strengths. They are closer to the people. They are more accessible. Just look at the fact that the three Leaders of the Parties are here today. I think that is intensely admirable.

There is counterbalance to the overweening power of the Government. I do not think any Government should be too strong, whether it is the provincial Government or the federal Government. So of course let us build provinces but remember two things. Meech Lake is damaging to many provinces like Manitoba. It is damaging in terms of social programs. It is damaging in terms of Senate reform. It is damaging in terms of immigration. It completely squelches any opportunity for the North to ever achieve provincehood. Province building is just one part of nation building. Meech Lake takes that one constitutional value and promotes it with complete insensitivity to everything else that goes up to building a nation.

Let us begin with the "distinct society" clause. Just what do you think it is saying? It is not as the apologists

for Meech Lake say just recognizing a sociological reality. If you want to see sociological realities, read the Canada Year Book, but that is not what Constitutions are about. They are about stating values, not facts. It is a fact that there are too many people in this country who are desperately poor, but we do not entrench it in the Constitution. It is a fact that many people in this country are well to do; we do not entrench that either. What we entrench is principles like our commitment to economic equality, Section 36 of the Constitution.

There may be a lot of hard-core separatism in Quebec but I do not advocate entrenching that in the Constitution. "Distinct society" clause is a statement which singles out one part of this country and one part only. It does not, as has been said, recognize that all provinces are distinctive. It most definitely does not say that. It singles out one province only. It says to that province that it is distinct. The word "distinct" means separate. You can look it up in the dictionary; look it up in the New Oxford dictionary. The Constitution will tell Government that its duty is not only to be apart and separate but to get more and more apart and separate. Promote the distinct identity of Quebec. You do not solve the problem of Quebec separatism by entrenching separatism in the Constitution.

* (1550)

Now everything I have criticized in the Accord I have tried to present a constructive alternative to. If you look at my proposals, we can recognize that all parts of this country, including Manitoba, are distinctive. That part of the distinctive character of Quebec is that it has a French-speaking majority, although we must also recognize it has an English-speaking minority. We can recognize that one of the distinctive characteristics of Quebec is a civil system of law.

We can have some reasonably well-defined conception of what makes Quebec special without making it unequal and without making it separate and, at the same time we are entrenching province building, we must entrench nation building. I am not sure, Mr. Filmon, but I thought I saw the Task Force on Canadian Unity in front of you. Well, that report talks not only about province building, it talks about nation building, and there is nothing in the court, in substance or in symbol, that talks about nation building. It is all about opting out; it is about division. It is about excluding oneself from the system of national values, not about building a nation.

The Meech Lake Accord prevents the federal Government from creatively developing and revising the system of social welfare programs. It was only in 1984 you know that the Canada Health Act was revised to save the Medicare system. So, if you are comfortable just because existing programs are preserved, do not be so comfortable. You do not know the next time one of these programs is going to have to be revised. It was not so long ago; it was just a few years ago that all three national Parties saved the Medicare system by requiring recalcitrant provinces to ban extra billing using their leverage with the federal spending power.

Yes, we are talking about exclusive provincial jurisdiction, but we are also talking about federal money.

Because it is with an exclusive provincial jurisdiction, provinces can opt out and not take the money. The only thing we are talking about is whether the federal Government has the least bit of leverage in order to build a system of national social welfare programs.

Now you can talk about moving away from the era of rigid centralism, and you can talk about abusive federal spending. I am on your side. I do not think it is really terrific the way Government procurement policy discriminates against this province. You know that regional economic development has been used to manipulate and coerce this province, and it is going to be used with respect to Meech Lake. Go after those programs. Go for a Triple E Senate that would review those programs and try and establish a system of regional equality, but do not attack the system of social programs which are the most beneficial to this province and the people of this country. You know, Manitoba cannot be manipulated under the Canada Health Act because it is formula funded, and the idea is to serve the needs of individual Canadians. It is not subject to bilateral wheeling and dealing. The system of social programs helps to define us as Canadians.

During the Free Trade debate everybody agreed that one of the things that made Canada "Canada" was that system of social programs. It builds a sense of caring; it builds a sense of belonging. It helps to build the Canadian economic union, which should be the next great project of reform in this country. Part of building that union is to have a common set of basic minimum standards in the social welfare area, so provinces are competing with each other to undercut each other in terms of providing those services.

The Accord attacks the system of national human rights embodied in the Charter. There are no two ways about that. We know that. Mr. Bourassa has made his understanding of the "distinct society" clause clear. The Accord is drafted so it can only diminish the rights in the Charter, it cannot possibly add to them. That is what Section 2(4) of the Distinct Society Clause says.

It is the interpretation by Legislatures and Governments that counts far more than the interpretations by the courts. Do not think that you can be irresponsible now, you can be cavalier about rights and somehow the Supreme Court is going to save you. It cannot and it will not. First of all, Mr. Bourassa can just continue to use the notwithstanding clause. Secondly, most decisions are not about the Constitution, are not made by the courts; they are made by Legislatures and Governments.

If the Quebec Legislature wants to underfund English-speaking institutions or promote its distinct identity by not having English taught as a second language to French-speaking children in the province or send a separate team to the Francophone summit or seek more and more international representation, or in any number of ways disassociate itself from our system of national values, there is nothing courts can do to solve that.

So we have to send the right message, the right symbolic, the right political messages to all the Governments and citizens of this country and not think that somehow the courts will save us where politicians have failed to show courage and conviction.

The Accord attacks the principle of regional equality. You know you are not going to get the Triple E Senate with Meech. The grass roots of the Conservative Party in this province have recognized that explicitly with their policy resolution. They know it. You can get honey-tongued words about "we will consider it." You could even get a promise. What is that worth? I remember Mr. Bourassa's promise to allow bilingual signs, but you are not going to get the Triple E Senate. You will not get Senate reform, but you will get Senate deform. Meech Lake amends the Senate. It amends it in a drastic way. It gives control over the Senate to the provincial Premiers. We are playing games with one-half of the Parliament of Canada. The Senate still has all the legal authority save a few of the House of Commons. There is no reason to believe that once it is provincially dominated, it will not be provincialist and obstructionist.

Now some of you might say, well, terrific. It is about time we cabined federal authority by having a provincial Senate. Well, wrong, and it is wrong because it is not right to paralyze the House of Commons, and it is wrong because that dagger in the heart of the federal Government will not be held by Manitoba, or Alberta, or New Brunswick, or the North. It will be held by Ontario and Quebec. Yes, Mr. Getty can get his six Senators and he can send them to Ottawa, maybe even elected Senators. They can face 24 Senators from Ontario, 24 Senators from Quebec, and those Premiers are going to have a veto over Senate reform and more control over the Senate than ever. Do you think that is ever going to change? It will not.

I cannot imagine you in conscience proceeding to play such an irresponsible game with one-half of the most basic institution of this country. I think that you should not allow the Senate the amending formula to obstruct Senate reform. I think you should entrench at the very least the principle of the Triple E Senate now, because if you do not you will never get it.

Let us talk about the principles of linguistic minorities across this country. As I say, I think that a Canadian, wherever he goes or she goes, should feel at home there. You do not make people feel at home when you treat English as a contaminant on public signs in the Province of Quebec, or you prevent people from speaking French in the Alberta Legislature. There is no doubting that the Accord makes the protection of linguistic minorities a second-class constitutional value. It talks about preserving and promoting the distinct identity of Quebec. It talks about preserving the existence of minorities.

I suppose one could preserve relics in a museum, but that does not mean much. You do not have to be a lawyer to know there is a big difference between preserve and promote, and preserve. The democratic process, as I say, and I say this in all sincerity, it truly is a humbling and moving experience to have the Leaders of all these Parties here actually listening to people, including me, today.

The whole essence of our parliamentary tradition was to prevent the rule of an oligarchy, the concentration of power in a tiny number of hands. That was at the heart of the struggle for tradition, that people have even died for in England and here. And you are going

to entrench a new order of Government based on secret meetings of First Ministers? You are going to constitutionally legitimate the boys getting together every year and cutting a deal and not only making decisions but decisions that are permanent and irrevocable?

Now that is not anything Quebec demanded. That was just a toss in at the Meech Lake meeting. It is not surprising First Ministers cutting a secret deal, giving themselves power, think it is a good idea. Let us give ourselves a ticket to the next meeting and the meeting after forever. It is not very good if you happen to believe in participatory democracy, or if you believe in responsible Government. There is no justification for leaving those provisions in.

Now, where do you go? Well, if you want to show that you are reasonable and tolerant, then you propose constructive alternatives to everything you criticize, and I have at least tried to do that on every point I have criticized and show what a vision of Canada would be like if we truly believed in it. If you want to address the problem of Quebec separatism, then show that Canada has some values that are worth believing in and in which Quebecers can fully participate and enjoy.

Do not entrench de facto separation and think you somehow are saving the country. Do not sell yourself short by going just for a couple of amendments or even a couple of killer amendments. Do not start playing games in which you say, oh, well, we will just go for not overriding the Charter, Bourassa will never accept that, and we will look really good, like we have accepted 90 percent of Meech and yet Meech Lake will go through. Well, do not play that game because Mr. Bourassa might call your bluff. He can say the Charter is not overridden. He has his own idea about what the Charter means. If he does not like what the courts say about it, he will just use the notwithstanding clause.

Do not do it because you will trivialize your objections to the Accord. People will say, look, if 95 percent of it you can swallow, what is the matter with the last little bit? We may be in for a very long haul, first of all because constitutional ideas have a very long life. The ideas in the Accord themselves are taken partly from the Victoria Charter, partly from the Task Force of Unity more than a decade ago. If you stand up and show some intellectual and moral leadership here, your ideas can have a long life. Sooner or later they can come to fruition.

In Meech Lake itself we may be in for a very long haul. Right now, Senator Murray is saying 1990 is the deadline, June 1990. He says that now. When June 1990 comes along, he might just say, oops, surprise, sorry, I got a new legal opinion, it turns out June 1990 is not the limit. In the meantime, you will have whittled yourselves down to a couple of objections and you are going to be in a pathetic bargaining position for what follows.

So I ask you in the words of Albert Camus, in "La Main Etendue," I think it was—I tend to conclude my presentations with literary illusions and the one that occurred to me today was "La Main Etendue," once again, a book about a death in a family. The moral of

that story was you should not play games. I very much hope that you will not play games, not with the life of my nation and yours. Thank you very much.

• (1600)

Mr. Chairman: Thank you very much, Professor Schwartz. Questions? Mr. Doer.

Mr. Doer: Yes, thank you very much, Mr. Chairperson. This is my second copy, but it is in popular demand in terms of the Meech Lake proposal. The work you have provided on this constitutional proposal—our caucus certainly appreciates the advice we have been getting from you.

I just have a question on the national shared-cost programs and certainly aboriginal issues, two questions that I know in your limited period of time you could not deal with, but you have written about it extensively. One is on the national shared-cost programs. Given the criticisms that you have, do you see any relationship with the further erosion with the existing Free Trade Agreement in Canada in terms of the constitutional proposal; and, secondly, could you elaborate about your concerns on aboriginal people, Canada's first people, in terms of the Meech Lake Accord?

Mr. Schwartz: Okay, on the first point, it should be understood that after the Free Trade Agreement, for better or for worse—reasonable people can disagree on that—some things have changed. One is that the north-south pull is very strong, and another is that we have created a situation in that sometimes provincial Governments and federal Governments are legally obliged to treat people from the United States better than they are obliged to treat a citizen of another province.

Now, as I said during my remarks, I think one of the things we have to do to keep this country together after free trade is to strengthen the internal common market, and I would like to congratulate Mr. Filmon and his colleagues in western Canada in trying to do just that. One of the ways you build that internal common market is to have those basic standards of social programs because otherwise you have this competition among provinces—who can have the lowest taxes to attract industry by undercutting each other in terms of social services? Now we have recognized that with Medicare. We have recognized that with the Canada Assistance Plan. So if you believe in the internal common market, I do too. I think it is terrific if we try and work towards that, but having that system of caring and basic standards is a part of that, and it is a very important part of it.

In terms of aboriginal people, it is unconscionable what is being done to northern Canada. How can we in Manitoba do that? When we became a province, we had mostly an aboriginal population. We had 11,000 people, 10,000 of them aboriginal, but we had fewer people than the northern provinces have now. How can we say to them that the barriers to them to get into Confederation are consent of all provinces, when no other province has ever had to achieve more than the

consent of the federal Government or the consent of the Parliament of Great Britain, and how can we do that when we struggled so hard to get provincehood ourselves?

Now, this is not just a democratic issue, it is an aboriginal issue, too. I would not be surprised if there is some correlation between the harsh treatment given to the northern provinces and the fact that they have significant aboriginal populations. In terms of other issues with aboriginal peoples, in my proposed rewriting of the Section 2, I would define the presence of aboriginal peoples up front as being a fundamental characteristic of Canada and not relegating it to footnote status. I would also be prepared to see the aboriginal issues added to the constitutional agenda again.

Now, Mr. Bourassa says, well, gee, why do you not do these things with 7/50 afterwards? First of all, we could have done a lot of these things before. We actually did amend the Constitution three times without Quebec sitting at the table. So I find it kind of ironic now that it is being said Quebec has to sign or you cannot do anything for aboriginal people. But secondly, we are not just talking about improving things for aboriginal people, we are talking about not making things irrevocably worse. That is all aboriginal people are asking. Do not present insurmountable obstacles to provincehood. Do not relegate the symbolic status of aboriginal people at this point to second-class status. I do not think they are asking, and I am certainly not recommending that we solve the problem of aboriginal self-government at this stage. Thank you.

Mr. Filmon: Professor Schwartz, do I recall that you were employed as a consultant with the former Government in the discussions and research that led to Meech Lake, and in fact were you a part of the resource group that went with the Pawley administration to Meech Lake and then the Langevin Block?

Mr. Schwartz: Now, at the Meech Lake Accord there were not any advisors. Okay? The strategy of the federal Government was to isolate First Ministers from their advisors. That included the Attorneys-General as well as the technical people. So people will remember the meeting was billed as just to discuss, an informal meeting, to see if there was enough agreement to go to negotiation, but the federal strategy was get these people in a room, appeal to their egos and you might get a deal—cannot have knowledge obstructing progress. As far as preparation goes, there was practically no preparation. I did attend parts of the Langevin Block meeting, in answer to your question.

Mr. Filmon: Then my question is did you give this advice and express these reservations to the Pawley team when they went and signed on behalf of Manitoba, or have you come to these conclusions since then?

Mr. Schwartz: To be fair to Mr. Pawley and Mr. Penner who, by the way, themselves have since resigned from their support for Meech Lake. I do not want to say exactly what I said, but I will say this is what I said, "New Brunswick." Unlike my colleague, Mr. Crawley, I have not been on the road to Damascus.

Mr. Chairman: Any other questions?

Mr. Carr: Mr. Schwartz, as usual, your comments were rigorous in their analysis and I think all of us at this table have read all or most of what you have written about Meech Lake. I think we should publicly thank you for informing the process as well as you have.

During the course of your presentation, you talked about entrenching the idea of a Triple E Senate now in these changes to Meech Lake. You also say you are opposed to the unanimity provisions requiring that all provinces agree on constitutional change as it affects the Senate.

Mr. Schwartz: That is correct.

Mr. Carr: Would you give the newly constituted Triple E Senate the power of constitutional veto at the same time as you took away veto from individual provinces?

Mr. Schwartz: It would depend on the issue. As you know, I just like to give straight-out answers but I cannot on this one, because there are about eight different amending formulas in the current Constitution. So, before answering that comprehensively I would want you to ask me which particular amending formula are we talking about? For example, on Senate reform I would not give this reconstituted Senate a veto, because if there are problems with the way that works I would not want the Senate protecting itself against the other provinces from correcting abuses within it. Depending on the issue, I might but on an issue like Senate reform, no, I would not.

Mr. Chairman: Any other questions? I missed, regrettably, by an interplay, exactly what Mr. Carr asked you Professor Schwartz, and forgive me if this is overlap. When you talk about Triple E, would you see this elected Senate with a suspensive veto as the limit of its legislative power?

Mr. Schwartz: Yes, I would. I think the Senate can be an important counterbalance to the population dominance of central Canada, which is also strengthened by the immigration provisions of Meech, without being obstructionist, without paralyzing the House of Commons. If we are going to make a Triple E proposal, let us make sure it is a reasonable Triple E proposal.

Now you could say, what good is a Triple E Senate if it cannot absolutely prevent a Government from doing something? To which I say, minority Parties, when there is a majority Government, can absolutely prevent the Government from prevailing, but I still think there is an important task to be played by Parties in Opposition.

So I think the force of having this extra regional balance in the Senate, having some criticism of the way the House of Commons is working, preferably by Senators who are more independent than MP's, and having the power to hold up things and slow it down should be sufficient to give a real voice to western Canada without, at the same time, paralyzing the House of Commons or undermining the one-person one-vote principle too much.

Mr. Chairman: Let me ask you one further on Triple E. When you talk about equal, what does that mean to you? Does that mean absolute equality of seats province per province?

Mr. Schwartz: Yes.

Mr. Chairman: Okay, simple. What does one do with the Territories?

Mr. Schwartz: In my proposal, I suggest to give them three, four Senate seats if you are giving 10 to the other provinces. If you are going to entrench a principle, then you start monkeying around with maybe we should give a couple less to P.E.I. and a couple more to Ontario, you are going to get absolutely nowhere. The appeal of the Triple E principle is that it is simple; it is clear; it does give real regional balance. There are a few anomalies. It will be real fun to be a politician from Prince Edward Island, but I do not see a reasonable alternative to pursuing the principle of that simplicity and clarity.

Mr. Chairman: Any other questions?

Mr. Doer: Just on the third E, the effective part, the alleged effective part, you are clearly not saying that it should have the powers of an equal House to, for example, in financial matters similar to the United States, which is the institutional Triple E groups proposal on the Triple E Senate.

Mr. Schwartz: Yes, that is right. There is a completely different system of Government there. It is not a large "R" responsible system of Government. I think we should continue to preserve the idea that the Government sits in the House and it is answerable to the House of Commons.

We should not, at least not at this stage, try a radical departure from the way our Parliamentary system works. We should learn from the experience of other countries and have something that does counterbalance central dominance but is, at the same time, respectful of the hard-won traditions that we do have. So, if you want to put language about respecting the leading role of the House of Commons, or whatever, to make sure that you have a truly balanced approach to Senate reform, I think that is fine.

Mr. Doer: The existing institutional proposal of the Triple E Senate, I conclude, is very much an Americanization of our Canadian Senate, and you are saying a very different kind of limitation or powers on the third E, the "effective" part, as part of your proposal for a Triple E.

* (1610)

Mr. Schwartz: That is right. The "effective" part cannot be an obstructionist part, it cannot be an anti-democratic part. It has to be an important counterbalance for the regions and maybe, I hope, provide more independent criticism of how policy is made. But it should not completely upset our system of parliamentary democracy now.

Mr. Chairman: I assume you might support the continuation of some of the investigative work which the Senate has done of late with some effect. Would it be fair to say you would see it as a counterweight legislative body with perhaps a six-month suspense of veto and that it would continue to have a lively activity as a body of investigation and of study on various aspects of Canadian life?

Mr. Schwartz: Sure, it could perform a lot of useful roles and, in fact, I think people underestimate how much power Senators have already, including that of Senator Lowell Murray. But in any event, yes, I think six months is a figure that I myself have suggested. I think it may have some precedence in other systems and I think it is about appropriate.

Mr. Carr: One short question, if I could. Do you think that this Triple E Senate should have the same advise and consent role that the American Senate has, for example, to confirm the appointments of Supreme Court Justices?

Mr. Schwartz: Yes, my first preference for confirming Supreme Court appointments would have been Senate confirmation. The process we have under Meech Lake is more than an egregious error in Meech Lake. Of course, in the limited time I have had, I have not even been able to touch on all my basic concerns. Now what you get with the Supreme Court under Meech Lake is this, actually nothing for Manitoba.

Now you can make suggestions and the federal Government can ignore those because they are getting suggestions from nine other provinces. But what does Mr. Bourassa get? More than he asked for. Even Mr. Bourassa has said that. Some negotiation. You give people more than they ask for. What he gets is primary control over one-third of the Supreme Court of Canada. All the federal Government can do is veto appointments and Mr. Bourassa can quite easily find two hundred or three hundred very capable, competent lawyers of integrity who just happen to be one-sided nationalists. If you think that giving one-third of the Supreme Court of Canada over to people who value provincialism over nationalism and who value provincial rights over individual rights is a good idea, then I have to differ.

So I think that the optimal thing would be Senate confirmation. As a second best thing then, I propose let us go back to the Victoria Charter which Mr. Bourassa agreed to in 1971. Then at least the federal Government would have an equal role with the Government of Quebec on these three appointments. I can live with that. It is not my first choice, it is not my second choice, but I can live with it. But the provisions in the Accord are just not principled, not responsible.

Mr. Chairman: Thank you very much, Professor Schwartz.

Mr. Schwartz: Thank you very much.

Mr. Chairman: Ladies and gentlemen, I understand that the next and final scheduled speaker for today

has in fact withdrawn. Are there any of tonight's scheduled speakers here who would like to speak now? Any of this evening's scheduled speakers who would like to speak now? If not, I will adjourn the hearing until 7 p.m. this evening in this room. Thank you very much.

RECESS

* (1900)

Mr. Chairman: Welcome to the second public hearing of the Manitoba Task Force on Meech Lake. I am Wally Fox-Decent, Chair.

May I introduce with pleasure the other Members of the Task Force. Starting on your far left, the Honourable Jim McCrae, Attorney General, Member for Brandon West; next to him, Mrs. Sharon Carstairs, the Leader of the Opposition and Member for the constituency of River Heights. On my immediate right, your left, is Mr. Gary Doer, the Leader of the New Democratic Party and the Member of the Legislature for Concordia. Starting on my far left, your right, is Mrs. Gerrie Hammond, the Member of the Legislature for Kirkfield Park; next to her, Mr. Jim Carr, Deputy Leader of the Liberal Party and Member of the Legislature for Fort Rouge; and, on my immediate left, the Premier of Manitoba, the Honourable Gary Filmon, Member of the Legislature for Tuxedo. Mr. Filmon is in fact sitting in for the sixth permanent Member of the committee, Mr. Darren Praznik, the Member of the Legislature for Lac du Bonnet; and Mr. Praznik is in the corner.

So, ladies and gentlemen, we are ready to begin our second round. Darren, I think you ought to stand up and be recognized. I was saying this afternoon, forgive the repetition for anybody who was here this afternoon, that the Task Force is not a committee of the Legislature. It is a group that has been commissioned especially for the purpose of hearing the views of Manitobans on the subject of the Meech Lake Accord. It is our hope that over the course of hearings that will take us to six rural or non-Winnipeg locations, plus our hearings here in the City of Winnipeg, we will be able to hear Manitobans on the subject of Meech Lake. We have some 200 Manitobans who have already indicated their desire to share their thoughts with us. We are delighted at the response. We had a good beginning this afternoon and we are most anxious to carry on this evening.

The end of the process, ladies and gentlemen, will be a report to the Government of Manitoba and in that report we hope we will be able to make some commonly held recommendations about Manitoba and how it ought to proceed on the issue of the Meech Lake Accord. I am pleased this evening to call our first presenter, who is the Honourable Jake Epp, Member of Parliament for Provencher and a Minister in the federal Government.

Before you begin, sir, we have a quaint system. At 15 minutes you will get the wave of the Manitoba flag which means you have 5 minutes left. At 20 minutes you will get a more frantic wave and we would be appreciative if you would see that as the signal for the end of your presentation, to be followed by 10 minutes of questions.

Hon. Jake Epp (Minister of Energy, Mines and Resources Canada): Mr. Chairman, Mr. Premier, Members of the Manitoba Legislature, I am pleased to have the opportunity to appear before the Manitoba Task Force on the Meech Lake Constitutional Accord.

This is not the first time that I have participated in our country's constitutional development. As a Member of Parliament and spokesman for my Party, I was involved in the debate which led to the patriation of the Constitution in 1982. That experience gave me a strong appreciation of the difficulties of attaining a constitutional agreement which has the support of all regions of the country.

Drawing on the key points made in my brief, I hope to show today that the Meech Lake Accord builds on the accomplishments of 1982.

The 1981 constitutional package, which was eventually enshrined in the Constitutional Act 1982, was a significant achievement. It included patriation, an amending formula, the Charter of Rights and Freedoms, recognition of aboriginal rights, and our multicultural heritage, a commitment to reinforce our regional strengths, an extension of provincial jurisdiction over natural resources, but it was dangerously flawed because it did not address Quebec's concerns. That province, containing one-quarter of Canada's population and 85 percent of our French-speaking citizens, refused to sign the agreement.

* (1910)

Now, I have heard it said that Quebec's signature is not necessary, since that province is legally bound by the 1982 Act. For my part, I find it hard to accept the proposition that there is no difference between a Constitution to which Quebec is a proud and willing signatory and one to which it is simply bound in law.

Quebec's refusal to participate in the constitutional process meant, among other things, that amendments requiring unanimity were impossible and those requiring the support of seven provinces representing 50 percent of the population, under the general amending formula, were more difficult and subject to a veto by our largest province, namely, Ontario.

Perhaps more important, Quebec's continued isolation ran the risk of festering and creating a very serious situation for another generation to resolve, perhaps in less tranquil times. The continued isolation of Quebec over the long term could only fuel regional alienation and economic and political instability. For these reasons, adoption of the Accord is in the Canadian national interest.

It is not something we are doing for Quebec. By achieving that province's willing acceptance of our Constitution, the Accord will end Quebec's constitutional isolation and the threat to national unity this represents and will also unblock the process of constitutional reform, freeing us to move on to address other important issues such as Senate reform.

But the Accord will do more than bring Quebec back into the constitutional family, it strengthens the principle of the equality of the provinces, fosters

intergovernmental cooperation and collaboration, and launches a process of constitutional renewal.

For Manitobans, it provides a stronger and equal voice in future changes to national institutions. It will also provide for more effective Manitoba participation in national decisions.

A number of myths and misunderstandings about the Meech Lake Accord have gained currency over the past year and a half. I would like to focus now on those issues which have figured most prominently in the debate within Manitoba.

Questions have been raised as to why Quebec's "distinct society" should be recognized in the Constitution. As a number of our leading constitutional experts have remarked, the concept of Quebec's "distinct society" is not a new one. The Honourable Jack Pickersgill, Ontario's Attorney General Ian Scott, and one of Canada's leading constitutional experts, William Lederman, have all commented on the fact that the recognition of Quebec's "distinct society" has been the cornerstone of our political practice and constitutional law since it was first recognized by King George III in the Quebec Act of 1774.

Most Canadians are aware of several characteristics which have made Quebec that "distinct society." These include, among others, the French-speaking majority, a vigorous English-speaking minority, the civil law and distinct traditions and institutions.

The 1982 Constitutional Accord, in fact, recognized certain of Canada's fundamental characteristics including the affirmation of our rights and freedoms, the recognition of our multicultural heritage and aboriginal rights, and a commitment to the regional strengths of Canada. But nowhere in the Constitution is there a recognition of the distinctiveness Quebec brings to Canada, or our linguistic duality, or the importance of French-speaking minorities outside of Quebec and the English-speaking minority within Quebec. So long as these vital aspects of our society are not recognized, our Constitution remains incomplete.

The Meech Lake Accord helps complete the constitutional picture by recognizing Canada's English-speaking and French-speaking dimensions and Quebec's distinctiveness within Canada. These are simple facts of our national life and have been for 120 years of Confederation.

As a Special Joint Committee on the Accord concluded in its final report:

"Insofar as the linguistic duality and distinct society clauses are statements of fact they are neither revolutionary nor particularly innovative. They reflect Canadas as it is."

One aspect of the Accord which has been subject to rigorous scrutiny is the relationship between the "distinct society" clause and the fundamental rights and freedoms expressed in the Charter. The weight of expert opinion on this matter has concluded that there is nothing in the Accord, and in particular the "distinct society" clause, which will empower Quebec to override

the Charter of Rights and Freedoms. In fact, the Accord will have actually strengthened the Charter because, for the first time, Quebec will recognize its legitimacy without any changes or deletions.

In return, the Governments that negotiated the Accord agreed that it should be interpreted by the courts in light of Quebec's distinctiveness and our linguistic duality, as well as being interpreted in light of aboriginal rights and our multicultural heritage as it is now. These provisions have been in the Constitution since 1982 and have not resulted in anyone's rights taken away or superseded.

Certain critics have attempted to draw a link between Premier Bourassa's recent use of the notwithstanding clause in Quebec's new language law (Bill 178), and the "distinct society" clause in the Accord. Fears have been raised that the "distinct society" clause could be used in a similar fashion in future to override fundamental Charter rights.

The fact is that Bill 178, Premier Bourassa invoked Section 33, the notwithstanding clause of the 1982 Constitution Act, which allows Parliament or the Legislature of a province to override certain sections of the Charter. Quebec thus relied on existing constitutional authority in enacting Bill 178, not on any powers contained in the Meech Lake Accord.

Notwithstanding newspaper reports to the contrary, Premier Bourassa never said that he could have invoked the "distinct society" clause instead of the notwithstanding clause in enacting Bill 178. In fact, on a number of occasions, Mr. Bourassa explicitly rejected the prospect of agreeing to delete the notwithstanding clause from the Constitution in return for the "distinct society" clause. It is the notwithstanding clause, which is a part of the Charter itself, that allows Governments to derogate from rights and freedoms, not Meech Lake. Meech Lake deserves to be judged on its own merits.

Canadians who have concerns about the notwithstanding clause should realize that the failure of Meech Lake would inevitably lead growing numbers of Quebecers to pressure their Governments to return to the practice of systematically overriding the Charter by invoking the notwithstanding clause. Remember, the notwithstanding clause was systematically invoked by the Quebec Government in all legislation from 1982 until the provincial election three years ago when the new Liberal Government ceased to invoke it automatically.

One of the reasons the Accord was so strongly endorsed by the House of Commons is that Members of all Parties firmly believed that by bringing Quebec into the constitutional family and recognizing our linguistic duality, the rights of minorities would be strengthened. In the case of Quebec, the "distinct society" clause will be balanced by, and must be read together with, the linguistic duality provision. Neither clause takes precedence over the other, and neither can be invoked in constitutional interpretation to the exclusion of the other. In this manner, the Accord strikes an appropriate balance between Quebec's distinctiveness and Canada's linguistic duality.

The Accord has been criticized for transferring too much power to the provinces, thereby weakening the

federal Government. In fact, the Accord specifically does not change the division of powers and is based on the equality of all provinces. This contrasts with previous rounds of constitutional talks where changes to the distribution of powers, largely at the federal Government's expense, were considered.

The Accord fosters federal-provincial cooperation in appointments to the Supreme Court and Senate, in developing new shared-cost programs, and at annual First Ministers' Conferences on the economy and the Constitution. At the same time, the federal Government keeps the final say in Supreme Court and Senate appointments and in setting immigration targets, standards and objectives.

As former Manitoba Premier Howard Pawley stated in the Manitoba Legislative Assembly on June 4, 1987, and I quote him:

"The Accord strikes a balance which will give Manitoba room to create and to grow and to make the best possible contribution we can to the future of our nation."

On appointments to key national institutions, Canada has been an anomaly among federations because the federal Government, in making Supreme Court and Senate appointments, has had no formal obligation to consult the Governments of the constituent units or, indeed, any other body. The Accord strengthens the federal character of the Supreme Court and Senate by allowing a legitimate provincial role in the selection of candidates.

The Meech Lake Accord will not mean the end of national social programs and will not bring about the balkanization of Canada, as some critics have suggested. In fact, for the first time, the Constitution will recognize the right of the federal Government to launch shared-cost programs in areas of exclusive provincial jurisdiction.

As the Honourable Ed Broadbent stated in the House of Commons during the second reading debate on the Accord, and I quote him, "The federal Government will still have the right to decide when and how and on what terms it spends. It will have the right to attach strings to such programs."

The possibility of compensation to non-participating provinces will make the federal Government more responsive to provincial differences when launching new initiatives and ensure that intergovernmental negotiations produce programs that achieve national objectives while respecting local needs.

* (1920)

As the Ontario Select Committee on Constitutional Reform concluded, "The new Section 106A strikes a good balance between the need for provincial variations and the implementation of national shared-cost programs and areas of exclusive provincial jurisdiction and the need for national standards." Some critics of the Accord have suggested that the Accord should require provinces to meet national standards, yet no such requirement is present in major shared-cost programs, not even Medicare.

The term "national objectives" is intended to refer to the underlying fundamental purpose for which a national shared-cost program is established but not to administrative questions or specific criteria for implementation of the program. Clearly, the national objectives relate to general questions such as: accessibility, universality and portability. They are not, however, intended to relate to the administration of programs for which provincial Governments are responsible to their own electorates.

Under the Accord, certain items such as the creation of new provinces and Senate reform are added to the list of those ones requiring unanimity. Underlying this proposed change to the amending formula is a conviction that these matters are so central to the federation that all provinces, including Manitoba, not just the larger provinces, should have an equal voice in them.

In 1982, the creation of new provinces became subject to the general amending formula which requires the approval of at least seven provinces with 50 percent of the population. This created inequality among the provinces. Ontario and Quebec acting together had a veto, but Manitoba-Alberta, for example, did not. The requirement for unanimity provides Manitoba with an equal say in the matter which could have a profound impact on our province.

The creation of new provinces will alter the numerical operation of the amending formula. Since that formula is subject to the unanimity rule, surely its practical numerical operation should not be altered without unanimous consent. The addition of a new province could also strain the federal Government's ability to finance the increased demands on the equalization formula. Equalization receiving provinces such as Manitoba should have an equal say in anything that affects the operation of this important program.

The Accord does not preclude the Territories from achieving provincial status. After all, Meech Lake demonstrates that unanimity is possible, and I have no doubt that unanimous consent will be readily forthcoming when the time is right for the Territories to accede to provincial status. The Accord does not disadvantage smaller provinces by guaranteeing Quebec a set share also of our immigrants. The guaranteed quote of a certain level of immigrants to Quebec contained in the Meech Lake Constitutional Accord reflects a political commitment, the basis of an agreement to be negotiated with Quebec. It must be emphasized that no one interprets this as an iron-clad commitment by the federal Government to send a certain number of immigrants to Quebec regardless of circumstances. Nor is it interpreted as a commitment by Quebec to receive a certain number of immigrants even if this proves practically impossible. It is simply a best effort statement, a target, and no one can guarantee that all those who initially settle in Quebec will stay there, particularly since the Charter's mobility rights are unaffected by the Accord and immigrants to Quebec will remain free to move to another province and have been doing so.

So no province is disadvantaged by the immigration agreement. At any rate, under the Meech Lake

amendments, any province can ask for an immigration agreement and the federal Government must enter those negotiations. This is consistent with the principle of equality of all provinces which underlies the Accord.

Another criticism of the Accord is that it represents a setback for the constitutional aspirations of the aboriginal people. In fact, the aboriginal constitutional process and the Quebec round proceeded on parallel but separate tracks. Since 1982, four First Ministers' Conferences on aboriginal constitutional matters have been held. The fact that we succeeded in resolving the Quebec issue but failed at aboriginal issues does not mean we have abandoned our efforts to meet the constitutional aspirations of aboriginal peoples. Quebec's absence from the constitutional negotiation table has made progress on important issues such as aboriginal self-government difficult, if not impossible to achieve.

Quebec's return to the constitutional process and the guarantee that First Ministers will meet at least once a year to discuss constitutional reform made progress on such matters much more likely and, as the Prime Minister has made clear, he would be prepared to convene another First Ministers' Conference on aboriginal issues when there are reasonable prospects for success, a test which proved very useful in the process which led to the signing of the Meech Lake Accord.

Certain critics of the Accord have claimed that Senate reform will now be impossible, that the unanimity requirement will stall reform indefinitely. This ignores the fact that Senate reform would have been impossible to achieve without Quebec's participation and consent since certain provisions of the 1867 Constitution Act which apply only to Quebec would have given it a veto over key aspects of Senate reform.

Even if Quebec had agreed to end its constitutional boycott, I believe an unrealistic assumption without Meech Lake under the former amending rule, seven or more provinces with at least 50 percent of the population, Ontario and Quebec, which are seen by some as the greatest stumbling blocks to achieving a Triple E Senate, together could have blocked Senate reform. No two other provinces together had such a veto. Instead, Senate reform could have been imposed against the wishes of all three prairie provinces.

This Accord provides each province with an equal say on this key issue on which we want a national consensus, not winners or losers.

Meech Lake guarantees that Senate reform will be on the agenda of First Ministers' Conferences until Manitoba and other provinces come to a satisfactory conclusion on this important issue and the Government of Canada is committed to Senate reform. The Prime Minister has indicated that he will put forward a proposal for an elected Senate at the first constitutional conference following ratification of the Accord. No other federal Government in Canadian history has ever made a commitment to a fully elected Senate.

The Meech Lake Accord was not designed to resolve all outstanding constitutional issues. It was designed

to heal the wounds created in '82, to do so in a manner that respects the interests of all Canadians and to provide the basis for further progress in the next round of constitutional talks.

The Accord is a limited package of constitutional amendments designed to achieve a specific goal. It does not represent radical reform and does not pretend to do so, rather, it reflects a vision of Confederation very much in the tradition of Canada's political development. It constitutes the tangible results of mutual respect and partnership in our federation, as well as a desire to establish a more positive and predictable framework for federal-provincial relations.

Taken together, the criticisms and the amendment proposals which have come forward, though put forward sincerely, clearly would require virtually every provision of the Accord to be reopened or renegotiated. By opening the Accord for even one amendment it would lead to irresistible pressure to open it up for more, and I believe it would soon unravel. The recent hearings in New Brunswick, for instance, I believe demonstrated that fact.

Simply put, reopening or renegotiating the Accord would kill it. This is a simple political reality because it would be virtually impossible to reconstruct consensus on the range of provisions in the Accord. So to reopen the Accord now would require unanimous consent, but most suggested changes could be achieved in future with the approval of seven provinces representing 50 percent of that population.

If we accept the Accord, the Constitution will represent a tie that binds Canadians legally and morally, and a common commitment to assured set of values and trust.

Rejection of the Accord, I believe, would perpetuate and indeed exacerbate the rift that was opened in '82. In addition to the danger that would be done to national unity, rejection of the Accord would freeze any opportunity for future constitutional reform, at least in the foreseeable future. No Accord, I believe, would mean no Senate reform, and this is a simple but inescapable reality because reform cannot take place, in my mind, without Quebec's participation.

The cost to Canada of rejection of the Meech Lake Accord, I think, would clearly be high. Twenty-five percent of our population would question legitimacy of the Charter of Rights and Freedoms and the authority of the Supreme Court. We would be postponing for several years, maybe a generation, potentially in a time of crisis, any opportunity to bring back Quebec to that constitutional table. Without Quebec at the table, we would be stalling constitutional talks, dashing hope of early Senate reform or any other major constitutional reform.

Mr. Broadbent concluded during debate on the Accord in the House of Commons:

"Should we allow this opportunity to slip through our fingers, should we fail to grasp the historic significance of this moment, I believe that future generations of Canadians will live to regret it."

Since its entry into Confederation—I am almost done, Mr. Chairman—Manitoba has always favoured a strong

and effective central Government. Manitobans have also sought to ensure the central authority is sensitive to strong regional voices so that smaller provinces are able to participate as equal partners in Confederation. I believe that Meech Lake respects both those traditions.

The Accord concludes the unfinished business of 1982 in a manner that will allow us to develop further as a nation. With these hearings—and you have a difficult job—Manitobans now have an opportunity to examine the Accord. Manitobans and their legislative representatives of all political Parties must weigh carefully the advantages for all Canadians of authorizing the Meech Lake Accord and the consequences for Canada's future unity and Manitoba's own constitutional agenda of not approving it.

Manitobans now have the opportunity to renew their relationship with the partners of Confederation. I believe that Manitobans want to foster cooperation and unity, and history will be a witness to these hearings and the decisions that flow from them.

Mr. Chairman, I apologize for going as rapidly, but I had some things I wanted to get on the record.

Mr. Chairman: Thank you, Mr. Epp. Questions from the Task Force? Mrs. Carstairs.

Mrs. Carstairs: Mr. Chairperson, Mr. Epp refers to bringing Quebec into the constitutional family, but I would like to take him back to the beginning of his presentation and I would like him to reiterate, if he will, that Quebec is indeed part of the constitutional family. Surely that is a fact.

Mr. Epp: Mrs. Carstairs, I have made that point in my presentation and I said that there is a legal reality that Quebec is bound by 1982, as it was bound by 1867. I have never questioned that but I think, if I might make a point, if you go back to the experience we had in 1981-82 you will recall that the Government of that Day gave a reference to the Supreme Court, whether or not the Government of the Day had the right to move forward with its constitutional amendments. The Supreme Court, I thought very wisely, made the following point: It said there is no legal bar because there is a difference in constitutional law, and as a practising politician, not as a lawyer, it is my argument that while there is a legally binding reality there is an even greater overwhelming moral and constitutional reality. The Supreme Court said at the time, while there was no legal bar for the Government of that Day to move forward with its constitutional package, the Government should seriously consider having sufficient consensus to move forward with that constitutional package at the time, so I come at it from a legal point of view but I think for us as politicians there is an even greater imperative, and that is the moral implication that we have to look at as well.

Mrs. Carstairs: Mr. Chairperson, Mr. Epp has indicated the importance to his Government of the "distinct society" clause. The "distinct society" clause recognizes, as he said in his paper, a number of things: the language, the religion in essence, the culture, the

legal system, first recognized in fact in law in 1774, recognized again in 1867, recognized again in 1982. Can the Minister tell us what he thinks is meant by the "distinct society" clause in 1987 that was not already included in 1774 and in 1867 and in 1982?

Mr. Epp: If you go to the reality of 1774, I think you will find—and I am not trying to fall back into my first incarnation professionally as a teacher because teachers, I understand, never quite lose their text—the point of the matter is that when we look at 1774, many people have said that in 1774 "a mistake was made," namely, that at that time if there had been a unilingual system "imposed upon Canada by the British Government of the Day," then Canada would have had a very different history.

I believe that history would have been different, but I believe that in a federal state which we created then in 1867 gave constitutional recognition, that is, as we asked Westminster to implement it in the BNA Act of 1867, a distinctiveness which we were comfortable with at the time, we did not include it in the Constitution as a recognition of a "distinct society." What we did at the time, we recognized it in certain clauses, that we had a duality.

* (1930)

I am sure that you would accept, as I accept, that in a federal state or any other constitutional state that a constitution will also evolve, and I believe that the "distinct society" clause today is a further recognition of what has been an historical fact for a long time. So if you are asking me does it have a different position today than in 1774 or 1867 or 1982, I think we can discuss our history for a long time. I think what is important is what does it mean today in terms of those people who, in Quebec, want to be part of that Constitution, that which for us is a recognition of that history.

Mr. Doer: There are so many marks I have on the paper, but I will have to go with just two questions. One is that you mentioned reopening or renegotiating the Accord would kill it and a consensus would be impossible. Certainly, those are the same statements we heard after Meech Lake prior to Langevin, that it would not be one change made in the document, and it was a consensus, it was a miracle, it cannot be touched; it would all unravel, it would all come apart and yet at Langevin there were four or five changes made.

Why can we not, over the next 15 months, make the necessary changes and improvements to Meech Lake that deal with the public input that has taken place in some provinces, and certainly in the federal Government, in the Senate, to improve the Accord over the next 15 months, rather than taking a fait accompli with the weaknesses that have been identified at numerous public settings across Canada?

Mr. Epp: Mr. Doer, when you take a look at what happened at Meech Lake and at the Langevin Block through that night of discussion and negotiation, what

the Prime Minister and the First Ministers came forward with was this—and I believe at least I try to touch that tone in my presentation. That is, that Meech Lake did not obviously cover every constitutional base or every constitutional deficiency that we have in Canada, but they agreed that unless "an egregious error was found, in fact, that it was their belief and their understanding having gone through that process, not only at Meech Lake or at Langevin."

I maybe should say something here, Mr. Doer. It was not simply an all-night discussion which led us to this point. Some of us have been at this thing for a slight bit longer than one meeting at Meech Lake and the one meeting at Langevin. The fact is that I believe very sincerely that Constitutions, the political will that was present there and out of which Meech Lake came, the obligation we now place on the other provinces for the agenda that we want in western Canada principally, but not exclusively Senate reform, gives us a moral right to ask for that change. I do not believe, quite frankly, we are going to get that understanding from them till such a time as what was agreed to at Meech and then changed at Langevin or amended at Langevin, that we have today any right to feel that by doing it again we will be successful again, and there is my concern.

Mr. Chairman: I have got you one more, Mr. Doer, very quickly, and then I want to give Mr. Carr a chance so he could make it quick.

Mr. Doer: Also at Langevin, all Premiers and the federal Government agreed to put the Meech Lake Accord to public hearings and would recognize the public would have rights in terms of their Constitution. Certainly, the public have identified a number of weaknesses of the Meech Lake Accord where there have been public hearings and thorough public hearings. Surely, it is not our responsibility in listening to the public of Canada to take the document and make the improvements in the next 15 months, rather than take the document that was signed by the First Ministers as a fait accompli.

Mr. Epp: I have been in many public hearings and I am not trying to deprecate what you are going to have to do, Mr. Doer, over the next month. What I am saying to you, and I am not trying to deprecate public hearings; my public record, I think, demonstrates that pretty clearly.

The point I am making to you is this: that those public hearings also will have to give to the Manitoba Legislature—and I am not at all, as a federal Minister, trying to tell the Manitoba Legislature what to do, and they would be the first to tell me not to tell you. What I am trying to convey to you is that in the national life of Canada, I believe we are at this juncture now where the Meech Lake Accord across the country, where 93 percent of Canadians and their Legislatures have approved it, where there have been four political Parties that have approved it, that we have to strike that political moment to get this impasse broken in order that we can get other changes.

When I go back, if I can give you anything that has influenced me, it has been an American reality that has

influenced me, and that is if you take a look at what happened in the United States as well, in the continental Congress and, if you take a look at the steps going through the book called the Miracle of Philadelphia, I am a sincere believer that people elected, regardless of political stripe, and regardless of political background or even political difference, when they are faced with the great realities of unity in the country, they overcome those differences and come together. That is why I believe Meech Lake is so necessary because I want to see some of those other changes.

Mr. Chairman: We are out of time on this round. Thank you very much, Mr. Epp. The next presenter is Mr. Frank Syms, a private citizen.

Mr. Frank Syms (Private Citizen): Mr. Chairman, ladies and gentlemen of the committee, including fellow Nova Scotian, Mrs. Carstairs, first of all, I sat in here this afternoon and I heard several of the presentations. I want to assure you right at the outset on the basis of that experience that what I have to say will not be nearly as profound as how I say it.

I also want to convey to you that I am making a fairly formidable sacrifice to be here tonight, because I am missing the Stanley Cup Playoffs. I just mention that in case there is going to be any civic recognition and provincial in terms of the Order of the Buffalo and the order of the budget from the City of Winnipeg.

I do feel fairly humbled following Jake Epp who, despite his partisan role in politics over the past number of years, I think is held in admiration and respect by all Manitobans. Also, this afternoon I was here for Mr. Duguay's presentation and his dramatic verbal portrayal as to how the 11 First Ministers forged unanimous agreement on the Meech Lake Accord and, as Leo put it, in the dark of night. I just mention this in passing that no one will ever again be able to tell me that Leo has no sense of humour, well hidden though it may be.

* (1940)

You know to constitutionalists, academics and professional politicians the controversy about the Meech Lake Accord is a tremendous and exciting exercise in semantics which I think most politicians might admit is their life blood. But to a vast majority of what sometimes are called the great unwashed, that is the average Canadians, they wonder what all the hullabaloo is about. They wonder in the words of a famous British—and I excuse that expression—slogan during the Second World War, "Is your journey really necessary?" That is the simple and very obvious question put to those who participated in the Meech Lake Accord. Was the journey really necessary? Therein is my primary comment on the Accord. It does not arise from a Ph.D. in political science, or philosophy, or economics of whose practitioners it is said that if you lay them end to end they will reach no conclusion. That again, of course, is an average citizen's observation and may not be taken with an overly deal of interest.

I do not think we need an MLA, that is for the Meech Lake Accord to prove or to confirm that Quebec is a "distinct society." We all know it is an enclave of French

culture, including language, in Canada and in North America. We also know that Quebec is a founding province of Canada and that as of the war of 1759, the area that is what is now the Province of Quebec was largely made up of a group of French colonists, that from that moment until Charles de Gaulle's "Vive Quebec Libre," was a group of people estranged by their mother country.

The same thing had occurred, of course, as we are all aware in Louisiana, who had to use the vernacular, "been sold down the river," also by their mother country. Is it not so that the moving force behind the industrial infrastructure development of Montreal in the Province of Quebec was of British ethnic origin? Why does it seem so unpalatable to mention these facts? Why does it seem equally unpalatable to mention that the only time the Canadian flag was publicly burned was by the Quebecois in the Province of Quebec. Apparently the only time in our history that a provincial Premier deliberately and consciously defied a ruling of the Supreme Court of Canada was the current Premier of the Province of Quebec who crashed the ruling of the Supreme Court re signs on the outside and inside of businesses in the Province of Quebec.

We in Manitoba and in the West are supposed to be the bigots, not to mention the dinosaurs. Even our own western Canadian media paint us as such. In that regard, I know whereof I speak. I am what they call an old journalist—Ottawa Citizen, Winnipeg Tribune, to name just a couple of the media that I worked with. What I am saying here is that as democracy is the enemy, the antithesis of the "man bites dog" formula, by which the media lives. The norm is that the dog bites man. The media lives by the abnormal, so negativism dominates the media outflow to the public in regard to the situation about which we are engaged in this evening.

The organized complainers, the enemies of the majority view, prevail. In terms of public information, in terms of the philosophy and formula of the media that is the "man bites dog" formula, the negative always prevails. This makes it very difficult in terms of democratic information whereby the public is supposed to receive honest and objective information so that they may, when election time comes, make their views known in regard to the kind of Government that they desire.

So it is no wonder that Canada seems awash with vocal minority groups whose objective is not, as J. F. Kennedy said, "Consider not what your country can do for you, but what you can do for your country." This country is awash with minority groups who insist on milking our beloved country and its resources and the media is their supporter and booster. There is no news in loyalty. There is no news in the majority view. There is only news in the "man bites dog" aspect of vocal minorities.

You know Canada must be the most beloved of all countries on Earth, maybe with the exception of Britain, from whom we get our penchant for fair play, dare I say that too many times we appear in our sportsmanlike and fairness to be patsies. Just as an offside, let me refer to the so-called "social laboratories" of the

western world. In any effect, I am talking about Scandinavia, Sweden, Norway, and Denmark and their immigration policies over the years. We know that these are the purest of races because they employ an immigration policy that allows people to come into work on a work visa for six months or so and then go back to their mother countries.

We, in Canada, in our fairness and sportsmanship, have opened our borders to races all over the world, not on a visa basis but on a citizenship basis. In other words, we do have politicians in this country who demand that our country be an international political refuge. The feeling is that regardless of the convenience to politicians and regardless of the convenience to political Parties, that the majority of Canadians feel that they are being sold down the river. It does seem that the Parties, regardless of which Party it is, with the assistance of the media, places the majority of Canadians—what is called the silent majority—as second-class Canadians while all the publicity goes to minority groups, who are very vocal and very organized. Therefore, the Meech Lake Accord is much more than an English-French situation. It actually is, in terms of the response of the people of Canada, a tremendous expression of frustration in that the majority view it seems in this country is continually placed in second place to the convenience of politicians and their Parties. There is no question about it that in this country of ours, in this beloved country, that the majority of the saints in the House of Parliament come from Quebec and from southern Ontario.

We may be called dinosaurs and narrow minded or what have you, but the situation is that throughout the West and east of the Province of Quebec there is this tremendous frustration that no matter, it seems, how they vote or who they elect or what Party they place in Government, that somehow their desires, their wishes are ignored for the convenience of the majority vote that emanates from the Province of Quebec and southern Ontario.

I do not care how many Ph.D.s are sitting at the head table or how many experienced politicians. This is the frustration that permeates western Canada. What the people of western Canada are asking of their politicians and their political Leaders is: will you please listen to us? Will you please recognize us as bona fide Canadians? Will you please recognize us in western Canada as antecedents, not antecedents but as continuance of British ethnic people, as the successors of people from eastern European countries, who have built and developed western Canada, who have made untold sacrifices in the development of their part of Canada? Will you not please recognize us as Canadians, equal to those in southern Ontario and the Province of Quebec? Will you please recognize us as people who love our country and who believe that the majority view in terms of not only the region but of the Province of Manitoba must prevail if democracy is to mean anything to us at all?

• (1950)

So I am saying that the Meech Lake Accord is much more than just English and French. I think most

Canadians love French and love the people of Quebec as Canadians, but not as superior Canadians, not as people who are going to dictate the future of this country. I think that we in Manitoba, and we in the regional west of Canada, have a right to ask of our political Leaders to abide and to support and to boost our desires and our wishes in terms of the development of this country.

We know that there were four founding provinces: Ontario; Lower and Upper Canada, Ontario and Quebec; New Brunswick and Nova Scotia, and the next year in PEI. These new provinces, it is a fact that the great majority of the inhabitants of those three and four provinces were British and French.

When it came to western Canada, we know that the people who helped to build and develop this part of Canada, and under fantastic sacrifices, were the people from western Europe and from Germany, Austria, Czechoslovakia, Yugoslavia, Ukraine, Russia, the British and the French. They believe that they are as much Canadian as the four eastern provinces. So we ask in a democratic way, I believe, that this committee, which is western, which is Manitoba, should consider our wishes, our desires and our place in the Canadian fabric. Thank you.

Mr. Chairman: Thank you, Mr. Syms. Are there any questions from the Task Force? Thank you very much, sir.

The next presenters are Mr. Draper, Mr. Campbell and Mr. Hill, representing the Winnipeg Chamber of Commerce. Gentlemen, I assume you understand that the 20-minute pie is divided among you.

Mr. Michael Hill (President of the Winnipeg Chamber of Commerce): Thank you, Mr. Chairman, good evening.

Mr. Chairman: Good evening to you.

Mr. Hill: My name is Michael Hill. I am the President of the Winnipeg Chamber of Commerce and joining me this evening for our presentation on my far extreme left is Mr. Bill Draper, General Manager, and to my immediate left is Mr. Lorne Campbell who is the chairperson of our Task Force on the Meech Lake Accord.

Mr. Chairman: Sir, may I ask you just to pull that microphone a bit closer. The sound system is not all that effective. Are there written presentations, sir, or is this an oral—may we have those? Thank you. This is on our time, not yours.

Mr. Hill: Thank you, Mr. Chairman. On behalf of the Chamber of Commerce, I would like to thank you and Members of the committee for this opportunity this evening to express our views on the Meech Lake Accord.

The Chamber of Commerce, Mr. Chairman, is the largest business and professional organization in the City of Winnipeg representing over 6,000 individual members, over 1,700 corporations and firms and over

100 various associations. Simply put, Mr. Chairman, it is the voice of Winnipeg business.

When critical and complex issues such as the subject of these hearings appear, the Chamber strikes a task force composed of volunteers with special knowledge and particular interest in the subject or topic at hand. This evening it gives me pleasure to introduce, as I mentioned earlier, Mr. Lorne Campbell, Chairman of our Meech Lake Task Force and the presenter of our brief this evening. Mr. Campbell.

• (2000)

Mr. Lorne Campbell (Winnipeg Chamber of Commerce): Mr. Chairman, Ladies and Gentlemen, you have a copy of the resolution of the Chamber.

The Winnipeg Chamber of Commerce believes that constitutional reform as envisaged in the 1987 Constitutional Accord, Meech Lake Accord, signed by all the First Ministers on the 3rd of June, 1987, has a number of sections which should be amended and certain provisions should be added before the Meech Lake Accord is approved.

Specifically the Chamber is concerned:

1. That the adoption of the Meech Lake Accord will give every province a veto over future constitutional change. This will put constitutional change in Canada in the strait-jacket forever and will be especially disadvantageous to any group or religion which does not presently enjoy economic, social or political equality under the present Constitution.
2. The prospects for securing constitutional and political equality for western Canadians are most unfavourable under the present terms of the Meech Lake Accord.
3. The Meech Lake Accord is flawed in its present form insofar as:
 - (1) it makes no specific reference to the rights of women;
 - (2) it makes it more difficult for the Territories to become provinces;
 - (3) it fails to address Senate reform to restore the original intent and effectiveness of the Senate and to make it,
 - (a) elected by the people;
 - (b) composed of an equal number of Senators from all provinces;
 - (c) it does not ensure retention for the Senate of the effective powers as provided to it at the time of Confederation.

Therefore, the Winnipeg Chamber of Commerce recommends:

That the Meech Lake Accord be not approved until amendments are included:

1. To provide that the present formula for amending the Constitution of Canada as

contained in the Constitutional Act of 1983 be retained.

2. To provide the rights of women be specifically set out and protected to ensure that the rights of women as set out in the Constitution be not diminished by the Meech Lake Accord.
3. To provide the rights of the Territories to become provinces remain unchanged.
4. Lastly and most importantly, to provide a Senate directly elected by the people with an equal number of Senators for each province, and which retains the effective powers provided to it at the time of Confederation.

As I have said in the preamble, the unanimous form of amendment required by Meech Lake puts the Constitution in a constitutional strait-jacket, and we simply recommend that Meech Lake go back to be amended. Now in dealing with these amendments which I have discussed, I think it should be called—I think an excellent word—let us call it a Manitoba Accord, and let us get on with it.

Just simply, I have heard speakers this afternoon, I have heard speakers this evening, and the Chamber's position is it is flawed and let us get on with it. The first one is to take out the unanimous consent form of amendment. Very simply, we are not aware of any other form of democracy that uses unanimous consent and if you talk from a business point of view it depends on what cards you hold, how good your unanimous consent is and where you are coming from.

We also think that with respect to certain rights and privileges that if there is a problem definitionally, then we should make the Charter of Canadian Rights and Freedoms the predominant interpretive act so that there is no doubt against what basis the court will be asked to interpret, if it is interpreted.

We feel that the rights of future provinces should be protected and that it should be moved back into the same form of the 7/50 type of seven provinces, half the population. However, we think that it is of prime importance at this time that Manitoba has the chance and the ability with the Manitoba Accord to have a Triple E Senate. Manitoba has the negotiating position and, obviously, as we all know and anybody who has done any reading, and you will hear, that the negotiating that has gone on on the Constitution for some time will likely no doubt continue. So now is the hour to put up Triple E: equal, elected and effective.

Simply put, we think there is a consensus in Canada now that it should be "elected." That should be no problem. We think that "effective," in our brief, is that if they are permitted to carry out their current powers, by and large they will be very effective. So we do not have to go into a great deal on that. And "equal," we very simply think that equal is 10 to each province, three from each Territory. You have the same number, 106. So, therefore, in summing up, Manitoba has the unique position of saying we are prepared to sign Meech Lake if a parallel Manitoba accord is signed implementing the amendments that I have set out on behalf of the Winnipeg Chamber. Thank you.

* (2010)

Mr. Chairman: Thank you, Mr. Campbell. Questions from the Task Force? Mrs. Carstairs.

Mrs. Carstairs: I just have one, Mr. Chairperson, and that has to do with the last sentence in which you talked about a parallel accord. I assume that from your earlier statements that a parallel accord would have to take affect at the same time as the Meech Lake Accord so that there would be no question that the parallel accord, if there was one that had to take precedence, that it would be the parallel accord that would take precedence and not the original Meech Lake Accord.

Mr. Campbell: That is correct. The parallel accord is just a word. It is really an amending—and maybe I should not have even used it—maybe it is confusing—but it is the Manitoba amendments then that must be effective. Of course, they would have to be approved by everybody and passed by all the Legislative Assemblies, etc.

Mr. Doer: I certainly support the concept of the Manitoba Accord in the proposal. I have a question dealing with the proposal on Senate and dealing with the effective powers. I have often heard the business community—and I think quite rightly—say that we are dealing with so many levels of Government. Every time we need a decision to be made it is passed from city to municipal, to the province, to the federal Government and here the business community is recommending that a Senate be revised and reformed in such a way to give veto powers to another level of Government. Although that it says—had those veto powers from 1867, it has not operated with the same type of legislative veto that one would prescribe when one gives it the authority through elections.

I was wondering what the conclusion is. Is that a unanimous position of the business community across Canada to give greater powers to the Senate, and what is the feeling of the business community on the specific powers that you are prescribing for an alleged effective Senate?

Mr. Campbell: To answer it, and I cannot answer for all of Canada, our brief merely says to use the powers the Senate is given as a sober second Chamber, that of consideration, and carry on from that basis. That is the premise that the Senate was made on Day One and just carry on from 1867.

Mr. Doer: On that point, if Parliament came forward with a piece of legislation that you felt was absolutely necessary in the business community, you would be willing to have that vetoed, blocked and stopped by another Upper Chamber in terms of that, not the sober second thought, but the power it does have in terms of the ability to veto.

Mr. Campbell: Mr. Doer, I think that anything is possible. I cannot interpret the future of what may or may not be done. Certainly there are other situations that are alleged when people, like in Australia, they

can say whatever they like, but if the Constitution is properly enforced and the powers are effectively used, then they are entitled to use them and people should not complain.

Mr. Doer: In Australia, and you mentioned Australia—western Canada suffers now in terms of procurement policies and financial concentration in eastern Canada. I think we get 12.9 percent of the federal procurement in the Province of Manitoba. Has the Chamber reviewed the Australian model where the percentage of wealth goes to Melbourne and Sydney, because the Senate, even though it is elected, votes on party lines? Has it done any review of that in terms of the recommendations it has made here, versus Toronto, Montreal?

Mr. Campbell: No, we have not gone to that depth. We are aware of it; we have read the paper. We have read the Alberta statistics, but we think that the procurement policy is one part, the power of the Cabinet, which you are aware of how it works in the Party. That is all there and I think that is as far as I can go in answering your question.

Mr. Chairman: Mr. Carr.

Mr. Carr: You suggest that there ought to be 10 Senators from all of the provinces and three from each of the Territories. Have you given any thought to how the Senators would be elected? Do you imagine that there would be constituencies from which they would be elected, or would they all represent the province equally?

Mr. Campbell: Mr. Carr, the answer is no. We try to keep it as simple as possible thinking there are other people who could do it. I think fundamentally not having looked at it; therefore, it would be 10 from each province without designating the constituencies they would represent except where it presently is now set out. So there would be 10 from Manitoba, and you could take them up where they want. Whether or not that would end up that way, I do not know, we have to get there first.

Mr. Carr: I gather you are suggesting, through your presentation then, there ought not to be any approval of the Meech Lake Accord until the principle of a Triple E Senate is approved by Manitoba, and then the other First Ministers and the Prime Minister?

Mr. Campbell: You have to do it all together. This is the "Last Supper" that you are going to get on Meech Lake. If you do not get that, I do not think the country is going to come completely distorted. Other people have said that in the past—but if you do not press now, and there is nothing wrong in pressing what you honestly believed to be correct.

Mr. Chairman: I have one final question, sir, if none of my colleagues have any more, it is on the issue of the Triple E, which is a very interesting part of your brief. I guess there is some fear that if you elect a Senate, which will obviously revive whatever powers it

has, that you are really creating a ticket to possible constitutional deadlock and paralysis and, furthermore, that you really distort the issue of responsible Government, because the question becomes to whom is the Government responsible? Is it the Senate or is it the House of Commons, or is there some rather complicated process of trying to have responsibility to both Chambers?

I guess there is, therefore, some conventional wisdom that suggests if you have an elected and equal Senate, you would need to reduce its power legislatively to suspense a veto. I wonder if you would comment on that.

Mr. Campbell: Our brief did not go that far. Our brief said very simply that it should have its original powers and let us see how the country will run. They have not tried it. It got into Party politics, as you know, and I think what you are phrasing is a boogeyman. We do not know. Obviously, the elected House of Commons is done by population. The sober second thought is the Senate and that is what it is for. Now we have had it for 127 years, and it is only when people do not like it they say it is not elected. So let us get it elected and let us see what happens.

Mr. Chairman: Are there any other questions from the Task Force? Gentlemen, thank you very much.

The next presenter is Mr. Jake Janzen, private citizen. For the written brief, sir, please proceed with your oral presentation.

* (2020)

Mr. Jake Janzen (Private Citizen): Mr. Chairman, Members of the Manitoba Task Force on the Meech Lake, ladies and gentlemen.

I make this presentation from a concern of all Canadians who wish to see this great country of Canada continue to develop its reputation of fairness and reconciliation, which has enabled us to become a leader in peacekeeping far beyond our own boundaries. I am also concerned that fairness be extended to the silent majority of Manitobans, whose heritage is neither English nor French.

I further endorse, as I believe you do, the words used by Mr. James Richardson, when he addressed the House of Commons on October 27, 1977, when he said, and I quote: "For 100 years we were working together. We were building the grand design set out by the Fathers of Confederation. From Confederation to Expo, we showed every evidence of becoming the model nation of the world. We increased our productivity. We increased our population. We fought and helped to win two wars in the cause of freedom. In this and other ways we continuously increased the respect in which Canadians were held by other peoples around the world. At the end of that first 100 years, Canada was standing at the threshold of greatness."

Since that time, alienation has increased across Canada. Now I am concerned that Meech Lake Accord, if enacted, will intensify that alienation and divisiveness

across the country, will destroy more than 100 years of Canadian unity. How will Meech Lake create that alienation?

While Canada has passed legislation to break down trade barriers with the United States and to increase mobility of people between two countries, the Meech Lake Accord will give credence to the trade barriers presently in place between the provinces by giving legislative preference to immigration to singled-out provinces. By trade barriers presently in place, I am referring to the provinces which give strong preference in Government purchasing of their own manufacturers, sometimes even to the extent of total exclusion of all others.

I suggest to you that once such preferential treatment in immigration is legislated in favour of any one province, then the other provinces will soon present a strong case as to why they should be entitled to similar preferences. A road must be certain to lead toward increased conflicts and tensions.

It has been presented that the Free Trade Agreement with our principal trading partner is a model for the whole world. We can hardly pretend to be that model for the free trade, for the whole world, while we build barriers to the free movement of people, of goods, at home. Legislative action to give preference to immigration to one province establishes such barriers to the movement of people. Such action can only be added to the divisiveness we have repeatedly seen in the past, when other provinces were given preferred treatment over Manitoba.

Like most Manitobans, I believe the provinces with smaller populations, such as Manitoba, will only receive fair treatment when the Senate is overhauled in order to increase the representation from those provinces. This will be best done by a Senate that is reorganized along the lines that have been proposed elsewhere under what is called the Triple E Senate, elected, equal and effective. Like most Canadians, I have no confidence that this will ever happen if it does not become part of the Meech Lake Accord.

The reason that I lack this confidence is simply that it is not politically expedient for two larger provinces to give up any powers, and history tells us only too well that they will lean toward that which is politically profitable. Alienation in Manitoba will not be reduced by postponing a decision for the Senate reform. Alienation will be resolved by giving Manitoba an effective voice in a Senate that they, the citizens, have elected.

Supporters of Meech Lake Accord like to emphasize that the Accord does not diminish the power of any level of Government. While it may not do so explicitly, it does make room for an extension of preference intended to benefit the "distinct society." There can be little doubt that those preferences will be exercised more often for the political benefit of a ruling Party than for the good of the nation.

Since bilingualism was legislated in Canada, the Government has very effectively promoted the multicultural nature of this country. Most recently, as

bilingualism is becoming more entrenched, Government efforts to preserve multiculturalism are rapidly declining.

In a similar vein, I am concerned that the recognition in the Meech Lake Accord and, ultimately, the Constitution, which is accorded the two distinctive societies in the country, ignores the major contributions that all the other cultures and language groups have made to the unique identity of Canada.

I submit to you it is wrong to suggest, as the Meech Lake Accord clearly does, that those other cultures and languages do not also constitute a fundamental characteristic of Canada. To ignore that fact is to deny justice to a multiplicity of people and cultures that have contributed so much to the building of this nation and have become an important part of its fabric.

However, the Meech Lake Accord goes even further, granting primary recognition as a "distinct society" to only one province and ultimately on a national scale to the language it represents, in spite of the fact that it is clearly not the language of the national majority. Although the Accord does not legislate that broader national understanding of the "distinct society," it does open the door to such understanding and implementations, and a political system which needs the vote of that "distinct society" and will continue to find ways of granting its wishes in order to obtain that vote.

The existence of the Meech Lake Accord amply testifies to that fact. In 1986, the Province of Quebec made five demands which the Canadian Government must meet before they would sign the Constitution. Those five demands were listed as:

- a) Recognition of Quebec as a "distinct society,"
- b) Greater provincial role in immigration,
- c) A greater role in appointments to the Supreme Court of Canada,
- d) Limitations on the federal spending power, and
- e) A veto for Quebec on constitutional amendments.

If further evidence was required, the awarding of the CF-18 contract to Montreal is one more example that could be cited.

In a world that is increasingly torn by conflicts within nations as well as between nations, Canada needs to strengthen its image of fairness and justice. We need to treat all people with equality and not give preference to some segments of society at the expense of others. The alienation that already exists among Manitobans will only be fueled by such preference of one part of the nation over all others.

The present Government of the Province of Manitoba is to be recommended for its willingness to recognize the danger of the national unity inherent in the Meech Lake Accord. I also recommend Premier Gary Filmon for his actions in allowing the people of Manitoba to represent their views.

I share with most Canadians an intense pride in this country, from sea to sea, a country unlike any other nation and, like most Canadians, I wish to see full unity

restored among all of our people. Only as we live in harmony with one another and practise justice equally to all our people will we fully experience all the benefits that it extends to us.

With that in mind, I believe that it is incumbent upon the present Government of Manitoba to give high priority to re-establishing unity in this country by withholding support of the Meech Lake Accord until such a time as these concerns can be adequately addressed to the satisfaction of the people of the West, bearing in mind that there are countless people in the western provinces who have not yet been given a similar opportunity to express their concerns.

That is my comment, Mr. Chairman.

Mr. Chairman: Thank you, sir. Questions from Members of the Task Force? Thank you very much, Mr. Janzen.

The next presenter is Jeri Bjornson, speaking on behalf of the Ad Hoc Committee on Meech Lake. Miss Bjornson, may I ask you just to give us a word or two about your organization. Perhaps you intend to do that as a starter. I think that both the Task Force and members of the audience might not be familiar with the organization.

• (2030)

Ms. Jeri Bjornson (Ad Hoc Committee on Meech Lake): I certainly will. The Ad Hoc Committee—actually the official name is the Ad Hoc Committee of Women's Equality Seeking Groups on the Meech Lake Accord, but we refer to ourselves as the Ad Hoc Committee on Meech Lake. It is a coalition of a number of groups, predominantly women's groups, within the province who have come together specifically around the Meech Lake Accord, studied the Accord and have come to a consensus on a number of areas of concern to us.

The ad hoc committee is made up of the Manitoba Association of Women and the Law; the Manitoba Advisory Council on the Status of Women; the Manitoba Action Committee on the Status of Women; the Charter of Rights Coalition; the Women's Legal Education and Action Fund Manitoba; Provincial Council of Women of Manitoba Federated Societies; the Indigenous Women's Collective; the YM-YWCA of Winnipeg; the Immigrant Women's Association; the Women's Health Clinic; MACSW (Brandon); and the Elizabeth Fry Society.

We organized in August of 1987 and have lobbied extensively to alert Manitoba women and the Government to the dangers of the Meech Lake Accord, especially to women. Most of you on the committee will have met with us at one time or another to have discussed the Accord.

This brief is the result of long hours of study and much consultation. The document deals briefly but we trust coherently and succinctly with our concerns. In this brief we will raise our concerns in a general manner. Many of our member groups will be appearing before this committee and will at that time take the opportunity to raise some specific concerns in a more comprehensive manner. This brief is a truly cooperative effort. The points are those on which there is consensus

among the groups. The text was written by several members of the ad hoc committee and you will notice it was even typed on more than one typewriter.

We will address the following central aspects of the Accord:

- the process
- constitutional conferences
- veto power
- equality rights
- the Supreme Court
- shared-cost programs

as well as the concept of a parallel accord or companion resolution.

First, we would like to address the process. The Meech Lake Accord, alarming as it is in its consequences, is all the more appalling because of the process undertaken to achieve it. For the first time in the history of Canada, monumental decisions affecting our Constitution were made in unseemly haste and in secret. The Constitution of 1867 followed three years of intensive public debate. The patriation of the Constitution and the Constitution Act of 1982 were finalized only after considerable public discussion and several drafts, which proved to be a long, hard fight for women. In contrast, the Meech Lake Accord was put together under unprecedented circumstances which kept the few participants captive until agreement was reached. This seizing of authority by our heads of Government is a departure, we believe, from Canadian experience.

For what appears to have been purely political reasons, 11 men bypassed their Cabinets, caucuses, Legislatures and, most important, the Canadian public. It is incomprehensible that in our participatory democracy there was no informed public debate. As has been pointed out, a constitution only truly belongs to a country when the public has endorsed it.

We as a committee do not regard the hearings held by the Special Joint Committee of the Senate and the House of Commons as legitimate public consultations. Their outcome was prejudged and we were informed before the hearings began that there would be no change in the Meech Lake Accord unless there were egregious errors. The presumption was, as far as we could tell, that no such errors would be found. Given this mind set and the unanimity requirements of the Accord, the report of the joint committee will do little, if anything, to rectify the rigid consequences.

A suggestion has been made several times that to change the Accord would be to unravel it. I am a knitter and when I unravel knitting it is to correct an error, a slipped stitch or a forgotten colour change, to add forgotten stitches or subtract added stitches. I go back to correct the mistakes. I then go on to build on the good part. I would never go on, having discovered flaws, for they are impossible to repair after the garment is completed. Unravelling is not bad. It does not mean that one loses sight of the original purpose. One unravels to get rid of mistakes, resulting in a better piece of work. We believe that the Meech Lake Accord needs some healthy unravelling to make it a better

Accord, and I might add that if you do not fix a dropped stitch the entire garment comes apart.

We now go on to the constitutional conferences. We are puzzled by the radical change to our democratic system affected by the creation of an additional layer of Government—the constitutional conference. We wonder by what authority did 11 men have the right to move the decision-making process away from Legislatures and the public.

Given the experience of women in the past, we find little solace in the assurances of politicians and some, but certainly not all, constitutional lawyers that women's equality rights are not in jeopardy as a result of the Accord.

Considering the concerns which have been raised about the Meech Lake Accord, the constitutional entrenchment of the First Ministers' meeting is frightening to us. There are some essential questions raised by the Meech Lake process which go hand in hand with the provisions for First Ministers' meetings. What measure of openness will the First Ministers' meetings have? Will the documents emanating from such conferences be a "fait accompli" like the Meech Lake Accord? What process would be developed to ensure that the work or concerns of provincial Legislatures would be fed into the constitutional reform process at the federal level?

While First Ministers' meetings have long been a part of Canadian constitutional landscape, the question is whether they should be constitutionally entrenched. That cannot be answered until there has been full public debate about the role they will play, and the safeguards for public debate and public input which will accompany them. As it now stands, we believe that these conferences will, in practice if not in fact, become the institutionalization of the process which we have found so repugnant in the drafting and agreement to the Meech Lake Accord.

To say a few words about the veto or the unanimity clause, three of the 11 signatories to the Accord have indicated that unanimity is a virtual impossibility, including a statement that came out of the Prime Minister's conference in November 26, 1987, which stated: "Anytime you get unanimity in this country, it's an exception."

The veto power of the Meech Lake Accord will terminate, we believe, any hope for Senate reform or for changes to the patronage system for appointments to the Supreme Court. It will guarantee the exclusion of the North from provincial status.

The reality is that along with death and taxes change is inevitable. Governments change, conditions and circumstances change. How can we expect our current Governments to address the need for change when they are adamant about refusing any suggestion of change to the Meech Lake Accord?

This veto power combined with a new level of Government—the constitutional conference—we believe will severely restrict the arenas in which discussion for change will take place in the future. Canadians will be guaranteed what will be the most

rigid Constitution of any democracy in the world. Given that democracy is Government by the people, could we in fact continue to call ourselves a democracy? Historically, when the power of people is reduced or removed, revolution is the only recourse to effect change. This is not the Canadian tradition, nor is the Meech Lake Accord.

Now, I will turn to equality rights. The Meech Lake Accord recommends an amendment to the Constitution Act, 1867 which would add a new Section 2 providing that the fundamental characteristic of Canada is the existence of "French-speaking Canadians, centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians, concentrated outside Quebec but also present in Quebec" and that "Quebec constitutes within Canada a distinct society." All provinces are to "Preserve" the fundamental characteristic of Canada with an added onus on Quebec to promote its "distinct identity." Clause 16 of the Accord further provides that nothing in the new Section 2 shall "affect" multicultural or aboriginal rights set out in the Charter and Constitution.

Legal experts, including members of national women's groups and other constitutional law experts who are not affiliated with the women's movement, have provided detailed legal analyses of the above provisions of the Accord to the First Ministers. These legal experts have concluded that the Meech Lake Accord will compromise women's equality rights. The undermining of women's equality rights is accomplished in a number of ways arising out of the elevation of linguistic and "distinct society" clauses of the Accord to status as part of the fundamental constitutional compromise of Canada, and at the same time stating that this elevated status is not to be interpreted as affecting multicultural and linguistic rights, while remaining silent on the effect on equality rights.

The Lavell and Caldwell cases—in which, respectively, the rights of aboriginal people took precedence over the rights of aboriginal women, and the protection of denominational schools took precedence over human rights laws—show how other constitutional rights might be furthered at the expense of women.

* (2040)

By ranking multicultural and aboriginal rights above those protected in Sections 15 and 28 of the Charter, the Meech Lake Accord creates what we believe would be a hierarchy of rights. This will favour the former rights wherever there is conflict, but also may affect the attitudes of society and courts towards sex equality rights. Sex discrimination may thus be seen as a less invidious form of discrimination, and one more easily justified, where a similar denial of rights on the higher grounds expressly acknowledged in the Accord may not.

In summary, we believe that the Accord is a threat to all Canadian women and not just the women of Quebec. The response to the above criticisms of the Accord has been, in itself, telling. There has been refusal of many First Ministers to treat women's criticisms of the Accord as worthy of a reasoned response signifying,

we believe, an absence of a fundamental concern for women's rights. Others have described "as the past few decades" of "progressive" treatment of women by certain Governments in Canada, and assert what they grudgingly acknowledge to be only slight or relatively limited risks to women's equality rights, will never lead to actual measures taken in denigration of women, because it is hard to imagine such measures being politically acceptable.

Our position is that a few decades of good behaviour is hardly an adequate measure of the possible or even the probable, when we are talking about constitutional change. We are not here to argue the constitutional law involved or to play the game, I have my experts and you have yours. Our point is that if there is any question then it is not good enough and must be changed.

We also have concerns about national shared-cost programs. We have long recognized the need of these programs to prevent discrimination and to ameliorate the effects of discrimination. The ambiguity and many of the phrases and concepts, which are included in the Meech Lake Accord, is extremely problematic to us. We are uneasy about the possible implications of this, of Section 7, for shared-cost programs and Canada's ability to provide services, which will afford equality to all women. We see the need for clarification and/or definition of at least the following terms:

National shared cost programs—presently we can identify nine categories of programs or activities, which might be described as shared-cost programs. There seems to be no working definition of a shared-cost program, and there is no authoritative legal definition of this term. We cannot support wording that does not give any indication of the scope of the programs involved.

National objectives—there have been several different interpretations given by the First Ministers who participated in the drafting of the Accord. Here we see again problems with the inclusion of terms in one section of the amendments and not in another. Clause 3, which deals with immigration uses the terms "standards and objectives," while Clause 7 omits the word "standards." Such commissions may well be interpreted as significant and deliberate.

Women's groups have always been concerned that shared-cost programs embody fundamental policy goals and criteria. Without them, there is the probability of unequal application from province to province. As a basic minimum, women's groups have advocated that national objectives must include public administration on a non-profit basis, comprehensiveness, universality, portability, accessibility and provisions for information on the operation of the programs.

We fear that the absence of a clear definition of national objectives will result in unequal treatment from province to province, and the only route for amelioration will be appeal to the courts. We also have problems with the terms, "compatible and initiative." The terminology throughout the proposed amendments seems to infer that the word "compatible" may be synonymous with the terms "not repugnant to or not

inconsistent with." This raises the concern that there could be no requirement for compliance or conformity with national objectives.

The word "initiative" is also unclear. The use of that term in concert with "compatible" may weaken the ability of federal Governments to initiate progressive and needed social programs. The focus on shared-cost programs, specifically, rather than federal spending power, in general, together with a lack of clarity and possible court intervention, we believe, favour the channeling of federal funds through transfers to individuals, rather than funding publicly-controlled services.

We believe that the recent federal child care initiative, which included the statement that it was in the spirit of Meech Lake, is a clear example. This initiative emphasized regressive measures, such as tax deductions, and was deliberately devoid of national standards and was a grave disappointment and a chilling portent to what the Accord will offer.

I would like to take the last couple minutes to talk about a companion resolution and parallel accord. There has been discussion about the possibility of addressing the concerns which have been raised about the Meech Lake Accord through the use of a companion resolution or parallel accord. Although there seem to be no legal constraints on the ability of Parliament or provincial Legislatures to endorse a companion resolution, at the same time it endorses the Meech Lake Accord. This concept, like the Meech Lake Accord, is ambiguous and raises more questions we believe than it answers.

What is a companion resolution and would it, in fact, amount to an amendment to the Meech Lake Accord? What procedural process would be followed, and how would it differ in provinces where the Accord has been ratified and where it has not? What input would the public have in the development of a parallel agreement? What would be the legal relationship and weight between a companion resolution and the Meech Lake Accord? Just where would a parallel accord be lodged, parallel to the Meech Lake Accord in the margins, once again marginalizing women's equality rights?

Upon trying to answer the many questions raised by this concept, we have rejected any suggestion of a parallel accord. If such a resolution were to have any real impact on the Accord, the result would be tantamount to amending the Meech Lake Accord and would therefore be in conflict with the Accord.

The consequences would be that the courts would be left to determine which agreement takes precedent. If a companion resolution were drafted in such a way that there were no contradictions with the Meech Lake Accord, then nothing would be gained, except possibly First Ministers saving face by being seen as having done something without opening up the Accord.

In summary, we believe that the Meech Lake Accord is seriously flawed. There is not an egregious error, there are many. At one time, we believed that it was amendable, but we no longer hold fast to that opinion. Given the inherent flaws in the Meech Lake Accord,

we believe that the most desirable outcome of these hearings could be the scrapping of the Accord and going back to the drawing board, publicly. It will only be through reclaiming the history of Canadian constitutional development, through public discussion and debate, that we will develop a better Accord and we can afford a better Accord.

Mr. Chairman: Thank you very, Ms. Bjornson. Questions from the Task Force? Mr. Filmon.

Mr. Filmon: I wanted to ask Ms. Bjornson the question about amendments. Whenever we pass laws in the Legislature, invariably they are amended and amendments are passed to amendments and they are passed as laws and nobody says that there is any question as to interpretation as to whether the amendments take precedence, they are passed as amended. So I cannot understand your point that if the Meech Lake Accord is amended, there would be confusion on the part of a judge as to whether or not the amendment took precedent.

Ms. Bjornson: I may not have been clear, but my point was that if there were a parallel resolution that there would be some question about precedents. I do not see the same problem in amendments within the existing Accord.

Mr. Filmon: You started out talking about the parallel resolution and then you took the leap of logic to an amendment to it being equivalent to an amendment and therefore not knowing which took precedent, and I—

Ms. Bjornson: That may not have been clear. The fact that it would be tantamount to an amendment would I believe put it in conflict if it were to address these issues, in conflict with the existing Accord, and that is where I see the problems being.

I also find it somewhat illogical to imagine that there can be no amendments to the existing Accord, but we could do a parallel accord which would amend it. That does not make sense to me.

Mr. Filmon: In effect, I believe what people are talking about is allowing those who have suggested that amendments are not possible to save face by passing a parallel amendment which is in effect an amendment to the amendment and just calling it a parallel amendment, but clearly there are legal ways of doing it.

Ms. Bjornson: And there are also legal confusions as a result from—

Mr. Filmon: No, not necessarily.

* (2050)

Ms. Bjornson: The one difficulty in this whole discussion around a parallel accord has been a lack of clarity about just exactly what it is that people are talking about. Many people are talking about many different

things, and there is certainly no procedural precedence for it.

Mr. Filmon: Leaving aside then any confusion as to parallel amendments, are you talking in terms of saying that no amendments are possible?

Ms. Bjornson: We do not believe that no amendments are possible, but we would not be satisfied unless all of our concerns were taken care of within the amending of the existing Accord.

Mr. Filmon: Thank you.

Mr. Chairman: Mrs. Carstairs.

Mrs. Carstairs: Mr. Chair, what I see of the presentation here today is to say that quite frankly we think we should start all over again. Barring that, we could accept amendments to the Meech Lake Accord. We could even do with a parallel amendment if it was clearly evident in the law that the parallel amendment took precedence to the Meech Lake Amendment, and a companion resolution is not acceptable. Is that the order as you see it?

Ms. Bjornson: I think our position around the parallel amendment or companion resolution is that we cannot see how that would work without, in fact, having opened up the Meech Lake Accord. So why not open up the Meech Lake Accord? The other two, yes. That would be where we were on that.

Mrs. Carstairs: Well, I think the only reason that the parallel accord has been suggested is the reason that you are giving in your paper, which is to allow politicians to save face and to say, in fact, that they have amended but they have not amended.

Mr. Chairman: Other questions? Mr. Doer.

Mr. Doer: Just a minor point, I am just trying to clarify in my own mind. You mentioned some healthy unravelling to make a better Accord on page 4, and then by the end of the brief the healthy unravelling has unravelled the whole thing. It almost appears that it evolves to a position of going from the potential of being constructive through unravelling to—

Ms. Bjornson: Well, I think the basic intent of the Accord, which was to bring Quebec consensually into the constitutional family, is a very important step in the constitutional history of Canada. I believe there are ways that it could be done. So, in unravelling, I would keep the basic garment, which is this country, intact, in mind.

Mr. Chairman: Other questions? Ms. Bjornson, I just have one, if I may. In reference to the issue of women's rights and the possibility that they may have somehow been subordinated to other rights, would I read you correctly in suggesting that Section 28 of the Charter which deals with women's rights, if that were added to Sections 25 and 27 in the non-derogation clause, which really says that Meech does not affect aboriginal

rights existing and does not affect multicultural heritage, if there was the addition of the statement which would be in 28 that this does not affect the equality of the sexes, that would give you some further assurance about Meech and the issue of women's rights?

Ms. Bjornson: It would give us some further assurance, but I believe that at this time the position of the ad hoc committee would be that there would have to be some way to ensure or make the statement that nothing in the Accord would abrogate or derogate from any of the rights and freedoms guaranteed in the Charter, and that the inclusion of 28 and 16 would not be adequate, although women's groups I will say are a long a continuum on that issue.

Mr. Chairman: Thank you very much, Ms. Bjornson.

Our next presenter is Mrs. June Komadowski, a private citizen.

Mrs. June Komadowski (Private Citizen): Good evening, ladies and gentlemen. I come before this committee first as a Canadian and second as a Manitoban. During the days leading up to this hearing, it was my wish that as Manitobans we could forget the political Party stabbing, that Manitoba could set aside Party politics for the betterment of all Canadians.

As any knowledgeable Canadian knows, it is of the utmost importance to unite Canada and to have the Meech Lake Accord ratified. Quebec has been reaping the benefits of Canada far too long without any true commitment on Quebec's part. By signing the Accord, only then will Quebec become part of Canada and her people true Canadians and entitled to the benefits. As the Accord stands now, Manitoba should not sign it.

This document, which is meant to unite the provinces, the Territories and the people of Canada, has forgotten a large group of people, our aboriginal people. Since our forefathers first came to the shores of North America and reaped the benefits of this lush country, we have tried to suppress, knowingly or unknowingly, our aboriginal people. We have forced them into designated areas of land, reserves, and we have forced our religions on them, and we have herded their children like cattle into boarding schools, cutting them off from their parents, their grandparents, their culture and their language. Never once did we try to understand these people. We were white and we knew best.

I am not proud of what my forefathers have done, nor am I proud of what we continue to do. I have travelled across Canada to many Native communities, Baker Lake, Cumberland House, Deschambault, the Queen Charlottes, Sava Lake, The Pas, Lynn Lake and many, many more, and during these travels I have met a different society. I have met our true Canadians, our aboriginal people. I did not want to change them but I went to listen and to learn, and my experiences have been most rewarding.

If we are to grant Quebec a "distinct society" because the French were third in line after the Vikings and the aboriginal people, we surely must acknowledge our aboriginal peoples' right to self-government, but

consultation must take place on how the aboriginal people will implement self-government and this is not being done. It is fine to say, fine, we will change it later. The echoes of promises to our aboriginal people have echoed from the Queen Charlottes to Prince Edward Island like the monotonous beat of a drum until they fade away in the wind.

I have heard over and over again the people of Manitoba say we are too small of a province; we do not have the seats in the House of Commons; we cannot do anything to bring about change; but we can now. This time our signature is needed on the Meech Lake Accord. Without our signature, there can be no Meech Lake.

I implore the people of Manitoba to be the conscience of our forefathers, to be the conscience of each and every province in Canada, the conscience of every person in Canada and bring about changes in the Accord before it is signed, to give our aboriginal people the dignity which they deserve, to give them their true status for what they are, our first Canadians. Perhaps only then, by withholding Manitoba's signature until changes are made, Queen Isabella's last will and testament will be fulfilled: justice for the people of the New World.

I thank you.

Mr. Chairman: Thank you very much, Mrs. Komadowski. Any questions? Mrs. Carstairs.

* (2100)

Mrs. Carstairs: Thank you very much for your presentation this evening. When I have heard that presentation, as well as other meetings with the aboriginal peoples, the same kinds of issues are raised. One of course is the inclusion of our aboriginal peoples as a "distinct society," and I would assume that is your No. 1 desire in the amendment process of the Meech Lake Accord, that they would be defined as a "distinct society."

Mrs. Komadowski: As far as I am concerned, there is only one "distinct society" in Canada, and that is our aboriginal people; they are our true Canadians.

Mrs. Carstairs: Do you have any other concerns, other than that specific change you would like to see? For example, are you concerned that the spending power, as it has been amended under Meech Lake, might indeed curtail funding from the federal Government to our aboriginal peoples? Would you like to see changes made in the spending power to reflect that not happen?

Mrs. Komadowski: Yes, that would be good. Another thing which I am very concerned about is our inability to sit down and to consult with them and to bring about their right to self-government. They have that right. It is their right, and we will not sit down and sit with them and speak with them and find out how this self-government is going to be implemented.

Mrs. Carstairs: One third thing then, if we are going to list Constitutional Conferences that have to be held

in the future and in Meech Lake, we have to have one in Fisheries, we have to have one on the Senate reform. Then would you also want put in that list a conference to bring about the self-governing process for our aboriginal peoples?

Mrs. Komadowski: Definitely, definitely

Mr. Doer: Mrs. Komadowski, I have heard your words before and they were very eloquently placed here tonight. You have listened a lot to this issue and feel very strongly about the aboriginal issue, and I know you have travelled considerably in the country. The whole area of the Yukon and Northwest Territories is also related to aboriginal people and their desire to become provinces. Would you also recommend that we change or propose to change the requirement that it be unanimous for new provinces to join the Yukon and Northwest Territories, as part of the aboriginal issues in this document?

Mrs. Komadowski: Yes, I do not feel it has to be unanimous. We have a lot of Inuits. I only stuck actually to our Natives, but our Inuits also are not well taken care of.

Mr. Chairman: Any other questions, to Mrs. Komadowski?

Our next presenter is Ms. Joan MacLeod, representing the group Women In Thought. Thank you for your written brief, Ms. MacLeod. We are ready for your oral presentation.

Ms. Joan MacLeod (Women in Thought): Ladies and gentlemen of the panel, I was tempted to just let you read it and save you time tonight. It is getting later.

Our discussion group has studied Meech Lake a bit, and we find that we are unable to agree with many of the clauses and some of the omissions. The veto is one of the problems. On the way down here tonight, I could not help thinking about this veto thing and this is not a good point to bring up, because I am against signing the Meech Lake Accord the way it is—we are. I was thinking that Manitoba is vetoing Mr. Mulroney in this, at the moment, and Mr. Mulroney wanted the veto. So I was thinking it shows him what can happen to a federal Government with a provincial veto. We would, I think, have the end of any Canadian federation but I had to go, truthfully, one step further and say that I was very thankful we have the veto tonight in Manitoba, as much as I do not think we should have a veto, but I am glad we have got it for this reason. So it depends what kind of federal Government you have got.

Mr. Chairman: It is called "cake and eat it too," I think, Ms. MacLeod, isn't it?

Ms. MacLeod: Anyway, the second point was the Charter of Rights should have supremacy over the Accord. I feel that is a very important requirement and then I wanted to say only one more thing and, that, having to do with Quebec. Mr. Filmon said that he does not want to feel that there is a French Quebec backlash

from anybody. I have been thinking about that a lot and we felt that it is very hard to know where to draw the line between what is a backlash and what is righteous indignation. I guess everybody realizes that, too.

But Mr. Trudeau, in his speech to the Senate last fall, said that he felt that Quebec has made it very clear that they have no intention of giving up their right to determine anything they want to do, more or less, and I do not really understand why we are trying to buy Quebec's signature on the Constitution. I agree that they should sign it, but we feel that what we are giving away in all these things is more than is necessary and that neither Quebec nor we are seriously affected by their failure to sign the Constitution. Therefore, we are opposed to signing the Accord in its present form. Thank you very much.

Mr. Chairman: Thank you. Would you just stay for a moment lest there be a question, Ms. MacLeod? Are there any questions? Thanks very much.

May I ask Mr. Newbound if he would come forward, please. Private citizen Mr. Newbound, not here. Then Mr. Newbound's name will go back in the pot for the next lottery.

The final on our list tonight is Mr. Hopkins, private citizen. Mr. Hopkins. Going once, going twice, third and the last time.

Any members in the audience who did not register who would like to speak to us at this time? As you know, we have expressed our desire to hear any Manitobans who would like to speak to us within every reasonable possibility of achieving that goal. Are there any who would like to come forward now but did not register. Well, ladies and gentlemen—yes, ma'am? If you would like to come forward. Do you mind coming forward? We would probably hear you from there if you would like to take it from there.

Floor Question: What happens in other areas if you are scheduled to speak at ten o'clock and they called you at nine o'clock?

Mr. Chairman: As I understand it, and I have just been talking to the Secretary, Mr. Remnant, the speakers have been warned to be present for a period of time, before and after, because we cannot guarantee a specific time, as tonight very well reveals. If a Manitoban has indicated they are going to come and then they do not arrive, the schedule bumps up; or if somebody does not take half an hour, then the schedule moves forward and so it goes. So that warning has been given to people. That request that they be here well ahead of their time and that they be prepared to stay after the time if necessary.

Well, ladies and gentlemen, I think on that basis I will adjourn for this evening.

Our next hearing is in Winkler, next Tuesday afternoon. The schedule of hearings is published and I hope everybody has been able to see a copy of it. We will be back in Winnipeg on the 27th, and we will be running the 27th, 28th, 29th, and possibly more than

Thursday, April 6, 1989

that. We have a very large response of individuals in Winnipeg.

Thank you so much for coming this evening and good evening to you.

HEARING ADJOURNED AT: 9:08 p.m.

NUMBER

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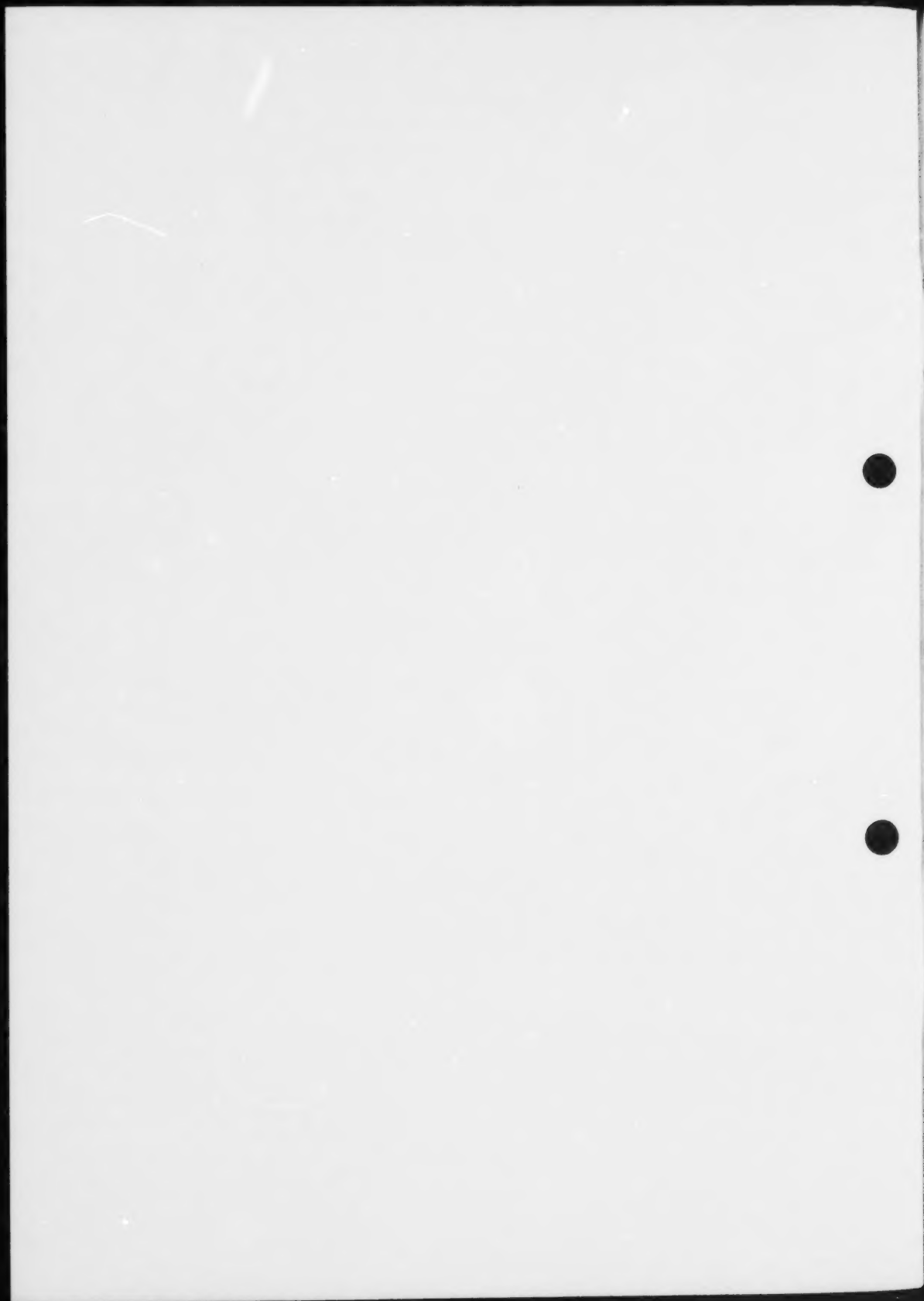


Manitoba Task Force on Meech Lake

April 11, 1989
Winkler, Manitoba

No. 2

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Tuesday, April 11, 1989

TIME — 2 p.m.

LOCATION — Winkler, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

Mr. Jim Carr (Member for Fort Rouge)
Mrs. Sharon Carstairs (Member for River Heights)
Mr. Gary Doer (Member for Concordia)
Mrs. Gerrie Hammond (Member for Kirkfield Park)
Hon. James McCrae (Member for Brandon West)
Mr. Darren Praznik (Member for Lac du Bonnet)

* Substituting for Mr. Gary Doer at 7 p.m.,
Mr. Bill Uruski.

Support Staff for the Manitoba Meech Lake Task Force:

Mr. Binx Remnant, Secretary
Ms. Kathy Brock, Research Director
Mr. Vic Toews, Constitutional Advisor
Ms. Anita Tiessen, Media Relations
Ms. Bonnie Greschuk, Assistant Secretary
Ms. Annette Landry, Administrative Secretary

Appearing:

Mr. Sidney Green, Manitoba Progressive Party
Ms. Hetty Vanderput-Vos, Private Citizen
Ms. Diane Johnston, Private Citizen
Ms. Gustine Wilton, Private Citizen
Mr. John Wiebe, Private Citizen
Mr. Abe H. Enns, Private Citizen
Mr. George Henderson, Private Citizen
Hon. Charles Mayer, Member of Parliament
Ms. Clarice Oldcorn, Private Citizen
Ms. Audrey Meyers, Private Citizen
Mr. John M. Wiens, Private Citizen
Mr. Allan Hopkins, Private Citizen
Mr. Mark Edmondson, Private Citizen
Mr. Roger Armbruster, Private Citizen
Ms. Mona Brown, Manitoba Association of Women and Law
Mary Grainger, Bert Siemens, Joyce Potter, Jerry Turchyn
Henry Toews, Private Citizen
Ruth Poersch, Private Citizen
Edgar Schmidt, Private Citizen
Mr. Roy Lyall, Private Citizen

Mr. Gordon Duncan, Private Citizen

Matters under Consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: Welcome to the second public hearing of the Manitoba Task Force on Meech Lake.

The first thing I would like to do is apologize for the size of the room versus the number of people who have come this afternoon. We are obviously delighted with the interest in the proceedings. I want to tell you how sorry we are that this room is not big enough to accommodate those who have arrived. We will be able to move into the gymnasium of the school later in the day, certainly for our public hearing this evening at 7 p.m., and that room accommodates about four or five times what this room does. So, if it is any consolation to you, there will be space for everyone later in the day, but I much regret that we are in the situation we are now where we have a number of people standing outside the door. I think it is best we proceed. If we were to try and change now, there would be at least a two-hour delay because of the mechanical equipment that has to be shifted and reset up. So, in fairness to those who were asked to come this afternoon to present and again with regret, I think we should proceed.

* (1405)

The first thing I would like to do is introduce the Members of the Task Force to you. I am Wally Fox-Decent, Chair. On your immediate right is the Honourable Jim McCrae, the Member of the Legislature for Brandon West, Attorney General of Manitoba, and indeed a man who holds a number of other portfolios as well, which I will not rhyme off at this point in time. Next to him, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba, Member of the Legislature for Fort Rouge. Next to him on your right, Mr. Darren Praznik, the Member of the Legislature for Lac du Bonnet. On your immediate left is Mrs. Sharon Carstairs, the Leader of the Liberal Party in Manitoba and Member of the Legislature for that splendid constituency of River Heights. Next to Mrs. Carstairs is Mr. Gary Doer, the Leader of the New Democratic Party in Manitoba and Member of the Legislature for Concordia. At the end of the table is Mrs. Gerrie Hammond, the Member of the Legislature for Kirkfield Park.

The first time we have had applause for the introduction of the Task Force, ladies and gentlemen. Keep it up, we love it.

The situation this afternoon is that we have come to listen to you on the subject of the Meech Lake Accord. It is as simple as that. The seven of us are here to

hear the views of Manitobans. We have a number of people who have, by luck of the draw, been cast into a position of speaking to us this afternoon in presentation. The rule is 20 minutes maximum for a presentation. You will hear a bell after 15 minutes and a second bell after 20. We would ask you if you would gracefully come to conclusion at that point in time, and then we have a 10-minute allocation for questions from the Task Force.

What is the Task Force going to do with all of these things that we hear and briefs that we receive? It is our earnest desire, ladies and gentlemen, to try to create a consensus among us on the issues of the Meech Lake Accord and present that consensus opinion to the Manitoba Government after our hearings are finished.

I would now like to call on Mr. Sid Green, who is the first presenter this afternoon.

Mr. Sidney Green (Manitoba Progressive Party): Thank you very much, Mr. Chairman, Members of the committee. I did not know how it came that my name was first on the list. As was just indicated, it was the luck of the draw. I am fortunate to have been in luck. I would have preferred if it was Lottery 6/49. Nevertheless, it is the first draw that I think I have ever won and I will try to make use of it.

Mr. Chairman, Members and people in this community, I am very happy to be in Winkler to discuss this subject. I am going to take issue with your suggestion that we are merely here to gather views and make a consensus. It is my distinct feeling that the various political representatives in this room, and I mean no criticism whatever, have quite definite opinions on the Meech Lake Accord. What they are hoping for, again, is that there will be people coming forth, saying these which will give strength to their particular position, but that when they go into the Legislature of the Province of Manitoba after these hearings, there will have been very little change from the positions that they have taken. This is because they are political people who have thought these things out and who have strong opinion. I expect that what they are hoping to hear from the people making representations is things which will be picked up, displayed and will lend weight to what they are thinking. I mean no criticism of that process whatsoever.

I do want to indicate, Mr. Chairman, first of all, so that there is no misunderstanding, that the Party which I represent, the Manitoba Progressive Party, is contrary and is distinctly opposed to the Meech Lake Accord. We are opposed to the Meech Lake Accord for reasons which I have not heard from other political Parties.

* (1410)

We oppose the Meech Lake Accord because it purports to set up a structure which is a brake on the democratically elected representatives. According to Meech Lake, things are going to happen in this country which then cannot be undone. Even if we elected 57 Members of the Legislature or 285 Members of the Commons, those elected representatives would not be able to undo what stands in the Meech Lake Accord,

and we say that any brake on the elected representatives of the people is an interference with the democratic process, which we are against.

We took that same position with a far more damaging or potentially damaging document. The Charter of Rights does far more to interfere with the democratically elected representatives of this country than does the Meech Lake Accord.

I have heard various criticism of the Meech Lake Accord from the same people who supported the Charter of Rights, and I indicate that this is a very, very inconsistent position on their account. I have heard people get up and criticize the Meech Lake Accord because the Premiers and the Prime Minister gathered together in a room and stood there all night until they came to a conclusion on a very important document. What we know about the Charter of Rights is that for two years they argued about what it would be, and then Mr. Romanow and Mr. Chretien got together in the kitchen and undid everything that had ever been said before, and produced a document which is neither fish nor fowl. They produced a document which says that certain things are entrenched but, notwithstanding those entrenchments, the Legislature or Parliament can undo them.

Contrary to what I have heard from many people in this country, I consider the notwithstanding clause the only saving feature of the Charter of Rights, and I do not have to spend a lot of time talking with people until they agree with me. I find people who are strongly for the Charter of Rights and then I say, if the Supreme Court decides that capital punishment is illegal, would you want the Legislature to undo it, and they said of course, so they agree with the notwithstanding clause when it comes to that.

I have found people who are in favour of the Charter of Rights and then I say to them, if the Supreme Court were to say that a woman is, as of right, entitled to a therapeutic abortion, would you want Parliament to overrule that, and they say yes. Or the reverse, if the Supreme Court found that, as of right, no pregnancy can be terminated, would you want Parliament to have the right to reverse that, and they have said yes. So people agree with the notwithstanding clause when it is used for what they believe in but not when it is used for what other people believe in.

We in this group take the position that the best way of making decisions is through the elected representatives of the people. We do not agree, such as is in the United States, that you have to have a Congress that says one thing, a Senate which says another thing and a Supreme Court which can undo them both. We think that the parliamentary system of Government as practised in Britain is the best way.

There has been a modification with the Charter of Rights. There remains a notwithstanding clause which leaves the supremacy of Parliament. There is now attempted to be a modification of the Meech Lake Accord which leaves no notwithstanding clause and which will tie the hands of elected representatives for an indefinite period of time, probably never to be changed if the thing was enacted. That is our complaint

about the Meech Lake Accord and that is our principal complaint.

Now I want to deal with why there have been so many other problems with the Meech Lake Accord. After all, the Government of Canada is an elected Government. The Prime Minister of that Government and 10 other elected Prime Ministers got together and they signed a document. Their signatures are all on this document. They are sincere people. They were the elected representatives of the people. They represented all political Parties in this country both at the provincial and the federal level, the Conservative Party, the Liberal Party, the New Democratic Party federally and the same Parties, plus the Social Credit Party provincially, signed this document. That does not make it a good document, but it does give cause to question why this document was signed by these 10 elected representatives of the people. I suggest to you that there was an attempt by these 10 people to bring Canada back into perspective in terms of the Province of Quebec and that is not so unusual. They did it and they did it in a way which had been discussed over the last 20 years and agreed to by most people. I am going to try and bring you back to 1965.

In 1965—excuse me, 1968—in 1968, there was Bob Stanfield, a Conservative. Prior to Mr. Trudeau, all of the Pearson Cabinet, including Mr. Pearson, Mr. Tommy Douglas and Mr. David Lewis of the New Democratic Party, Mr. Duff Roblin of the Conservative Party, all said that in order to deal with the problem, the feeling on the part of the citizen of the Province of Quebec who speaks French that he is a part of this country and the French language, they were willing to recognize that Quebec has a particular status in Canada. That particular status simply was, and no more, a recognition that Quebec is the only province where French could be the speaking language as English is in the Province of Manitoba, nothing more insidious than that.

* (1415)

Along came Mr. Trudeau, and he was virtually the only one in the Liberal Party, and he said, "All of these people are kowtowing to Quebec. I am from Quebec and I am telling you we do not need particular status." He accused or caused the Leaders of the other Parties of pandering to the French in Quebec. That caught a very responsive note and we will remember in the Province of Manitoba things like, he is one of them and he says, no particular status. As a result, people in this province and in the West thought that Mr. Trudeau was going to be fighting bilingualism. He never ever said so, but they got that impression and Mr. Trudeau's Government was elected.

For the next 10 years in any event and more, Mr. Trudeau said that he was pummeling separatism into the ground. He was beating the hell out of the separatists and, while he was beating the hell out of the separatists, they went from zero seats in the Quebec National Assembly to become the Government of the Province of Quebec. The first time a separatist Government achieved Government is when Mr. Trudeau was pounding them into the dirt. Anybody would like to be defeated in that way but, nevertheless, he was

pounding the separatists. He then, after the Meech Lake Accord came back, began to pound the 10 provincial Premiers and the Prime Minister of this country by referring to them as yellow, as yielding, as being cowards, as giving away everything to the provinces.

Now we know that Mr. Trudeau has that kind of view of himself as against other elected people. He was the one who said: "Of all the Members of the House of Commons, 50 yards from Parliament Hill, they are nobodies." He is the one who said that I want to govern while I am here, but I want to have a Charter of Rights so that I can continue to govern for a thousand years. Those were his words, that his regime would last a thousand years if it was not for Mr. Mulroney and the 10 other Premiers, and his attack on this Meech Lake Accord was substantially twofold: No. 1, he attacked the concept of a distinct society; and, secondly, he led it to be believed that somehow national programs would suffer by the Meech Lake Accord and that he was opposed to that.

Let us deal firstly with the distinct society. There are two views of bilingualism in Canada, and I say two views sincerely, hell. I have never called the people who have held Mr. Trudeau's view cowards, weaklings, bigots or otherwise. There is the view that Mr. Stanfield, Mr. Douglas, Mr. Mulroney, 10 Premiers now have, and the two views are as follows.

* (1420)

The people who drafted Meech Lake are saying—and I do not agree with it, because it is entrenched. I would have no difficulty with it if it could be changed by a future Government. They are saying that Canada is a country where there are French-speaking people and English-speaking people. There are French-speaking people living outside the Province of Quebec; there are English-speaking people living within Quebec. They are both speaking, "Ich kan Deutsch sprechen aus, je parle français," and I speak English and there is nothing wrong with any one of them. But the fact is the Leaders of these provinces, and the people who said that they agree with particular status which we are talking about all over again, said there is only one province where French can be the speaking language.

To that extent, we say that it is a particular province or it is a distinct group and, to the extent that we are looking forward to living in a bilingual country, it cannot be bilingual if there are no provinces where French is the spoken language. I think that should be obvious and, therefore, to the extent that we wish to have the French and English facts in this country, we have to recognize that there is one place where the French fact can flourish as a speaking language.

That is the view of most of the people of this country. Mr. Trudeau came along and said French and English speaking are equal throughout the country. Anybody who wishes to speak French in Manitoba should have the same right to do so. Any person going to Quebec and wishing to speak English and being served by the federal Government or in certain places should have the right to speak English, and we should not recognize any distinction.

So I only ask those who are opposed to the concept of particular status and who are opposed to the concept of a distinct society—and I am not talking about the entrenchment—know that the alternative is the kind of unreal attempt to bring French into provinces where it is not spoken and where it will never be spoken as the working language of the province. Was that bell to tell me I am finished?

Mr. Chairman: Five more minutes.

Mr. Green: Okay, well that is fine. I will be able to do that. If you are opposed to a distinct society, that is fine. But let it be understood that the alternative is not an English-speaking country. The alternative is Mr. Trudeau's form of bilingualism which says that a person who speaks French should be able to go into any part of the—or to set up, which they have done, French areas or places where French will be spoken outside of the province.

Mr. Trudeau believes, and that is why he is fighting Meech Lake, that a person speaking the French language should anywhere, in Winkler, be able to get served in French, that a person speaking the English language should anywhere, in Baie-Comeau, be able to get served in English.

What the distinct society people are saying, and that is why you should understand that Mr. Getty, Mr. Vander Zalm, Mr. Devine and Mr. Howard Pawley, whose name is here—and now that NDP say they are against it. How hypocritical can you be? The name is on the document. What has happened now is all three political Parties in the Province of Manitoba, including the Tories, feel that there is a responsive note to attack the Province of Quebec through attacking Meech Lake. The Province of Quebec is not the one that suffers by that attack because, in Quebec, they say it is true. We do not want to speak French in Winkler, but we want to speak French in Baie-Comeau. They are quite willing to say that it should be understood that French is the language of the Province of Quebec and that English is the language of the Province of Manitoba. They have no difficulty with that situation. It is Mr. Trudeau who has difficulty with that situation, et pour moi, c'est égale. Je peux parler Français, je peux parler anglais dans le Manitoba, où au Québec. But for the people of this province it is not égale because most of them are English-speaking people and believe that they are living in an English-speaking province, and that is recognized when you say that Quebec is distinct. It is stating the obvious.

* (1425)

In our position, what is wrong is the same thing that is wrong with the Charter of Rights. We do not know what the Supreme Court is going to say that means but this nonsense that the Meech Lake Accord is going to interfere with women's rights, that it is going to interfere with aboriginal rights, is nothing but nonsense. The Meech Lake Accord is wrong, not because it interferes with those particular rights, because it does not. It is wrong because it interferes with my rights and the rights of future citizens of this country to elect

Governments that can pass laws to the same extent as these 10 people could pass laws.

These 10 people say in effect and I am now quoting what the 10 people say: "We are so smart that we can pass laws that nobody else can change. We pass laws like Mr. Trudeau that last for a thousand years." The Progressive Party says, nobody is that smart. We rely on the democratic system. We do not wish to create a Senate that is going to stop what the House of Commons does and, therefore, we are not concerned with the Meech Lake Accord stopping Senate reform. The only Senate reform that we can think of is to not have the Senate to interfere with the House of Commons, which it did in the last debate on free trade.

It is also a fallacy—and I brought these things along. The notion that Mr. Trudeau is against Meech Lake because it interferes with national spending on national social programs is an outright myth. If you do not believe me, then believe Mr. Trudeau. I suggest to you, Mr. Chairman, and I was going to read quotations and they would take a minute, but now my time is up. Federalism and the French Canadian—one of the main theses of Mr. Trudeau is that no federal Government has any right to spend monies in the areas of health, education or social services, that those are areas that are exclusively within the jurisdiction of the provincial Government and the federal Government should not be spending. True to his word, he spent very little and tried to cut back what was already being spent. So the notion that national programs will suffer and that Mr. Trudeau is concerned with that is a fallacy and I have got his words to prove it, Mr. Chairman, but my time is up. Thank you.

Mr. Chairman: I neglected to say, sir, although I am not sure I need have said it that you are here today as Leader of the Manitoba Progressive Party rather than as a private citizen.

Mr. Green: I think that everybody in Manitoba knows that, Mr. Chairman.

Mr. Chairman: Now, questions from Members of the Task Force to Mr. Green. No questions? Thank you very much, Mr. Green. If you would like to leave that with us, sir, whatever you have, I will see that copies are—

Mr. Green: Mr. Chairman, I will leave with you the remarks that Mr. Trudeau makes which he has never taken back, which he always believed in, in federalism, and the French Canadians, where he specifically and deliberately says that no federal Government has got power or should be spending money in the areas of health, welfare, or education. The Meech Lake Accord recognizes the right to make that expenditure and I think for the first time constitutionally.

Mr. Chairman: Thank you. I will see that the other Members of the Task Force get that. Thank you very much, Mr. Green.

Mr. Green: Thank you.

Mr. Chairman: The second presenter is Ms. Betty Vanderput, who is here as a private citizen. I am sorry, Hetty not Betty.

Ms. Hetty Vanderput-Vos: I must say I am somewhat intimidated by all these cameras, but I will give you all a copy of the letter. I will not take as much time as Mr. Green did. I would like to read this letter; I would like to read the submission that I have made to the Task Force.

First of all, I would like to point out that my view is that it is not a Quebec versus the rest of Canada issue. I think it is a national issue that we are concerned with. So I would like to read my submission to you.

* (1430)

To the Honourable Members of the Task Force on the Meech Lake Accord.

Dear Members of the Task Force:

We appreciate this opportunity to speak to you on the issue of the possible ratification in the Manitoba Legislature of the Meech Lake Accord.

We have three areas of concern:

1. The process or how Meech Lake Accord came to be, is the first one. Canadians were not consulted before the Accord was signed on June 3, 1987. The Meech Lake agreement was reached by the 11 First Ministers in secret session only a month earlier and, when the final text was released, the same 11 First Ministers said that all their Legislatures would have to pass it unchanged.

This is a denial of the democratic rights of all Canadians to participate in developing the future of our country. In particular, women and Northerners and minority rights were once again left out.

2. The exemption of certain individual and equality rights not affected by the Accord, that is No. 2. Clause 16 of the Accord specifically exempts multicultural and Native rights from being affected by the Accord. With these two groups specifically mentioned, we can assume that other groups, such as women, were deliberately left out, and that is how a future court could interpret it. According to law, if you expressly mention one or two items on a list, the implication is that you intended to exclude all the other items on a list.
3. The fundamental changes the Accord would bring to the Constitution and the Charter of Rights and Freedoms. The Accord changes the future amendment procedure by requiring unanimous consent of all the provinces to changes to significant national institutions such as the Senate and the Supreme Court. It, therefore, would transfer power from the federal Government to the provincial Legislatures. Because of the veto powers the provinces would have, it could lead the way to many future deadlocks. The diluting of federal powers would endanger the unity of our country.

As Canadians by choice, we proudly display in our home a framed copy of our Charter of Rights and Freedoms. We feel the Accord would endanger those rights and freedoms. We also feel it would endanger the unity of the country and would make us 10 provinces with their own interests and priorities. It would endanger women's and other minority rights. The Yukon and Northwest Territories would be excluded.

If we must have the Accord, we would ask the Manitoba Government to amend the Meech Lake Accord by including the following in the final draft:

"Nothing in the Meech Lake Accord shall abrogate or derogate from any rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

Respectfully submitted and signed by Cornelis Vanderput and Hetty Vanderput-Vos. Thank you very much.

Mr. Chairman: Thank you, Mrs. Vanderput. Any questions from the Task Force?

Mr. Darren Praznik (Lac du Bonnet): I am just interested to ask the presenter if she has a position on Senate reform, if that is of concern to her with respect to the agreement.

Ms. Vanderput-Vos: No, I have no opinion on that.

Mr. Praznik: So your only concern then is that if the Accord is passed that it would contain the clause that you indicate in your letter with respect to the Charter of Rights and Freedoms.

Ms. Vanderput-Vos: That is correct, yes.

Mr. Praznik: Thank you.

Mr. Chairman: The next presenter is Ms. Diane Johnston. Do you have a written brief, Ms. Johnston?

Ms. Diane Johnston (Private Citizen): No.

Mr. Chairman: Good, please proceed.

Ms. Johnston: I would like to thank you for the opportunity to appear before you. It is my view that the Constitution of this country touches us all and any changes that are made on it, while it may seem dust dry to most of us reading it, has profound effect, and it is gratifying to see the kind of interest shown here today. Perhaps it would have been nicer if we were all able to be accommodated, as well as our friends in the press at the same time. That may be something you can address in your further rural hearings.

I have three particular areas of concern with the Accord. They are as has been outlined by the previous speaker: the process, the nature of the federal system, and equality of rights with regard to the establishment of the Meech Lake Charter.

My first area of concern is the process. It seems to me folly to assume that after 30 hours closeted in one

building that you are going to come up with a Constitution and get it right. To me, that speaks ill of the amount of concern that this Constitution deserves. Further, it is my view there were very limited hearings held in the summer prior to going into the process at Meech Lake, very little representation from people across Canada whose lives this affects. It seems to me almost the paramountcy of arrogance to assume that in that short time frame that you will achieve what people have been working at for 30 years. To further entrench that and to say that well, we did it, we did it in 30 hours and we got it right, is a little, I think, lacking in sensitivity and sensibility.

Women fought very hard to be included in the Charter of Rights provisions and yet, when it came to Meech Lake, these were not guaranteed. My understanding is that Premier Pawley fought long and hard for multicultural rights and for aboriginal rights to be included. Well, I wish he had fought a little longer. It would have been nice to see other people's rights guaranteed as well.

The idea that you need unanimity to amend this Charter is offensive. The provincial Premiers in this country have not been able to agree unanimously on anything, or very little. I think to take something as fundamental as a Constitution and not allow for changes in social fabric, to allow for changes in economics, to allow the possibility that they might have got it wrong, is not right.

My second area of concern is the nature of the Canadian federal system. From 1867, there has been a preponderance in this country of a weighting on the federal side as opposed to the provincial side. That was done for a reason. That was done to hold this country together, to make sure that its disparate elements did not fly apart. That is an important feature of our federation. It has never been more important now that we are in the position of a free trade relationship with the United States. We need a national voice, and we need that national voice to speak for all of Canada.

I understand the need or the aspiration of Quebec to control immigration. They have a serious problem there. They have declining birth rates, they have a central culture that is declining. I would want to control immigration if I was there, but to give it to one province and to not give that power to other provinces would seem to me to be unjust, and yet to give provinces the right to control that power also seems to me pure folly. The nation, as a whole, has to control these things. It has to control external affairs. There cannot be several voices, you know. We must present one voice to the world. That voice can include many tones and, hopefully, it would and should, but it must be one voice.

* (1440)

I would also have concern that with Meech Lake there would be little opportunity to have the kind of national programs that we have had, because of the cost-sharing arrangements. They may have the impulse and the impetus to do it, but not the funding. As a woman with children, it has been the federal Government that has

sought to bring us the kind of programs that are of particular interest to us. This is where we have Medicare. We have other programs of that ilk. For example, a national day-care policy, that is a possibility, but not if the federal Government does not have that kind of control, not if it does not have the funding to do that kind of thing.

I also feel that, by having the federal Government involved in those policies, there is a form of checks and balances. I live in a very conservative area of the country, so there are times when I rely on the collective view of the nation to bring this area into a more moderate stance, if you will, in the same way that people who live in more small "l" liberal areas of the country rely on other areas of the country to bring them into balance. It is an important balance. If I were to rely solely on politicians and the politics of this area, there are many things that would never happen here. That disturbs me, because that is not necessarily my view. I would like to have that duality. I like to have that balance.

The final area that I am concerned with is equality rights. I heard Mr. Green say that this was total and utter folly. I disagree with him heartily. There is a misunderstanding very frequently as to why we would be concerned, women would be concerned, about these equality rights provisions. If you listened to the Human Rights Commission Report that was released last week, that should leave you in no doubt. If you read the Badgley Report, if you read any number of other reports with regard to women and children in this country, you will see that there is not a level playing field by any stretch of the imagination.

You have been given the information with regard to the constitutional change with wanting to have women's equality rights included and, in my view, all that does is bring that into balance. It allows us equal opportunity. There is going to develop in this country a hierarchy of rights. There is no question about that. It is folly to assume that we may succeed without that where the Americans have not. They have had a long experience of this and that is the way it has lined up and that is the direction in which we are going. Therefore, because of the legal doctrine that was cited by Ms. Vanderput, I want that playing field to be level.

I am in the education business. I work with many children. Half of those children are women, and they are intelligent and they are deserving of a equal opportunity. You cannot deny them the access through legal means. Lord knows, they are denied enough through other aspects. I mean, there are—what?—30-some-odd women in the House of Commons? How many on the Supreme Court? How many in the provincial Legislatures? Do not deny them at least this legal avenue. At least, make it even, give them a chance to go through case law and, hopefully, establish an equal footing and equal opportunity.

I would also like to say that I feel that, by having the power moved away from the federal Government into the provinces, it will result in a "ghettoization" in Quebec. I think this is unfortunate. I support the impulse to have duality in this country. I think it is a good thing. If we can have more languages, it is better. I am in the

education business and it never hurt anyone; it is painless. I would like to see people speak as many languages as possible, but I do not want to see French become ghettoized in Quebec, and I do not want to see us lose our French communities in Manitoba or in any other part of the country. That, in my view, would be extremely unfortunate, the same as it would be if we lost our German communities or Ukrainian communities. They are an important aspect of this country and I think if we tend toward any policy that pushes them further into Quebec that, in the long run, everyone loses. The people of Quebec and the politicians of Quebec would have to argue for more power. They would have no choice. They would have to support that small and ever-decreasing community and they would need more power to do that, and I think that would be unfortunate. That is all I have to say. Thank you.

Mr. Chairman: Any questions from the Task Force?
Mr. McCrae:

Hon. James McCrae (Attorney General): Thank you for your presentation. You made reference to the nature of the federal system and also to the equality of rights. I am assuming you are saying by your comments that you would not like to see the Meech Lake Accord ratified by all the provinces and passed without amendments to deal with the issues you have raised in your comments.

Ms. Johnston: Yes, that is correct.

Mr. McCrae: I am wondering though if you also would have any comment to make about what part a changed Senate might have in this federal system that we are talking about, and if you see any benefit for the regions of this country through a changed Senate.

Ms. Johnston: Yes, I could see an opportunity for a Senate to bring the voice of particularly the West and eastern extremes of the country to the fore. I think that is important. The way it is now, it raises the ire of many of the electorate and it is not as an effective check or balance as it was intended to be. I think it could be of more use if that was an elected body for sure.

Mr. McCrae: Elected and, I take it, changed in the sense also of having better representation or more equalized representation for the regions of our country?

* (1500)

Ms. Johnston: It would be interesting to look at different proposals for that. I think you have—that is one way of going about it. There are other options you can consider as well. It would certainly go a long way to helping the North and areas of the West to feel more included in the process. But I think again you have to balance how you would do that. I mean, I do not think I would want a Senate set up that had power so that you would have one region playing off against another region, or two regions colluding to hold up legislation. The idea of Government is to get legislation in and get it passed and, if something gives input, well that is well

and good but, if something is intended as a bargaining pawn, then that is not necessarily beneficial.

Mr. Praznik: Mr. Chairman, just to pick up on that particular issue, I take it then, Ms. Johnston, you would prefer to see a Senate when you come to that issue with a suspensive veto rather than real substantive powers to pass legislation.

Ms. Johnston: Again, it is difficult until you have that proposal before you. If you do not have a substantive veto, then what is your power? There has to be some teeth in any body, but how you arrange that is up to far wiser people than I am, sure.

Mr. Praznik: Mr. Chairman, if I may just ask one very brief question—I know Mr. Doer has one. I would just like you to—if you could please clarify for me your position on immigration agreements between provinces and the federal Government. You are supportive of the current immigration agreement that Quebec has with Canada? I am not quite sure, given your strong support for a federal system.

Ms. Johnston: I would like to see the federal Government control immigration. I think Quebec should have input into that as this is necessary. You know, if they wish to maintain their population base, they must have control. Their birth rate is not such that they can do it any other way. So they have to have input, final controls with the federal Government.

Mr. Praznik: As it is now?

Ms. Johnston: As it is now. My understanding is that if Meech Lake goes through that there will be further power allocated to the provincial Government with regard to immigration, and I do not think that is healthy.

Mrs. Gerrie Hammond (Kirkfield Park): Ms. Johnston, I just have a question. You have made a few efforts at saying that there should be substantial change. Do you see that amendments are going to help this or is it something you feel that they have to start all over again on the Meech Lake process?

Ms. Johnston: The process of constitutional change in this country has been so lengthy that I do not think you could possibly start from the beginning.

Mrs. Hammond: I am talking about Meech.

Ms. Johnston: One has built upon the other. The Constitution that was brought home was built on the Trudeau agreement in Victoria, was built on a series of things. I think that it is an evolutionary process, but I do not think you entrench something that is half-baked. You know, I think that this is a good start. I mean, obviously there was consensus which, Lord knows, is hard enough to come by in this country. That is something worth building on. But some more time—I mean, we have survived in this country for a long time without a codified Constitution that we all are bound by. I do not think there is any necessity to jump into it without taking a good long, second look. Thank you.

Mr. Chairman: Any other questions? Thank you very much, Ms. Johnston.

The next presenter is Ms. Gustine Wilton, private citizen.

Ms. Gustine Wilton (Private Citizen): I would like to thank the Task Force for coming to us and maybe, because of the large crowd, you will be encouraged—

Mr. Chairman: Ms. Wilton, I have just been told by staff that, if we take a five-minute break, we can set speakers out in the hall. I wonder if you would mind just relaxing for a couple of minutes, and then we will be able to help people out in the hall to hear what is going on.

Ms. Wilton: I will.

Mr. Chairman: Please proceed, Ms. Wilton.

Ms. Wilton: I am sure the crowds took you by surprise. I have been to two federal hearings of this same nature and there were not nearly the crowds that there are today. Maybe you will be encouraged to come out into the country more often.

Good afternoon. My name is Gustine Wilton, and I am very pleased to have this opportunity to express my concerns about the Meech Lake Accord to this Task Force.

Before I get to that, however, I would like to make a disclaimer. This Accord has indeed made strange bedfellows, and I feel so strongly about that aspect that I must disassociate myself from those who are opposed to the Accord because of anti-Quebec feelings. In fact, I resent the way the Quebec issue is being used to coerce people into accepting the Meech Lake Accord, flawed as it is. The choice seems to be to accept the Accord or be branded an anti-French bigot.

Once this document has been ratified by 10 provinces, it will not be easy to change. I believe it is incumbent on the Manitoba Government, even considering the risk of very bad press, to insist on some changes before they sign.

My first concern with the Accord is the jeopardy it puts women's rights in. By specifying aboriginal and multicultural rights, it may set them above such others as the rights of women, the disabled and the elderly to equal treatment. Now I realize that this matter is disputed and will eventually, I presume, be interpreted and settled by the courts. For me, however, it is not worth risking an interpretation unfavourable to the equality rights of women, especially when I consider the battle waged to get those rights included in the Charter in the first place. Judges can only interpret what is written in the law, not the intentions, however good, of those who wrote it.

I must also object strongly to the way in which this document was apparently arrived at. Collective bargaining tactics—nobody is going home until we have an agreement—may be appropriate for union contracts which are renegotiated every few years, but they are

less than adequate for an agreement that is to become part of a country's Constitution. This lack of consultation must be particularly upsetting to Northerners. The Accord may make it next to impossible for the Yukon and the Northwest Territories to achieve provincial status.

My overall impression of the Meech Lake Accord is that the price is too high. Too much power has been given to the provinces and a strong central Government has been sacrificed. My vision of Canada is that of a country with a strong central Government, and I know I am not alone in this view.

A week ago, when the Task Force hearings began, I saw a person-on-the-street interview with a young man in Winnipeg. He said the hearings did not really matter because Mulroney would just go ahead and do what he wants. The fact is Mulroney cannot just go ahead and do what he wants without the signatures of Manitoba and New Brunswick. I hope those signatures are not forthcoming without some serious renegotiations and amendments. Thank you.

Mrs. Sharon Carstairs (Leader of the Opposition): Thank you, Mrs. Wilton, for your presentation. First of all, I would like to ask what kind of specific changes you would like to make to the Constitutional Accord known as Meech Lake, and perhaps I will give you some suggestions. First of all, would you like to see a nonderogation clause with regard to the Charter of Rights, as suggested earlier by Mrs. Vanderput?

Ms. Wilton: I suppose that would be a minimal requirement. That might be a compromise, a way of getting it through, at least the preamble that protects the rights of women. I think there are more serious flaws to it than that, but that would be a possibility, yes.

Mrs. Carstairs: And one further question, would you like to see specific amendments to the spending power provision? Presently, it says that provinces can opt out of new federal programs that are exclusively within provincial jurisdiction. Do you think that there should be a limitation on, for example, national objectives and making the word national "standards," or do you think that provision should be eliminated all together?

Ms. Wilton: I think it is very dangerous, it makes me very nervous. And more than that, I really—I just do not know what would work and what would not work.

Mr. Praznik: Mrs. Wilton, I have to say, I think you have in your very excellent presentation come to the crux of the problem for politicians in the process of constitutional drafting in this country. That of course is the strength of a central Government versus the powers of provinces and of regional interests. I can see in your presentation that you take a very strong position in favour of a strong central Government in the country, and that is certainly one side of the coin. There are others who feel, in different parts of the regions of the country, concern about being left out of the nation. Do you see a means of reconciling that kind of feeling, whether it be in the Maritimes or in the parts

of the West, how to bring those parts of our country into the mainstream and still maintain the kind of strong central Government that you suggest is needed in this country? A difficult question, really the heart of the issue.

* (1510)

Ms. Johnston: I do not, quite frankly. I do not know what the solution is, because on the one hand when one considers perhaps an elected Senate with an equal number of members from each province, I will hear people say, but we do not want Prince Edward Island to be telling us what to do, they are too small. I hear people in Manitoba saying, we cannot have Quebec and Ontario telling us what to do, we have rights too. I do not know what the solution is. You know, perhaps when I say I would like to see a strong central Government, it is based on nothing more than sentimentality. That is what I, in my dreams, would like to see Canada be, but I do not have a solution, no.

Mr. Praznik: Again, I thank you for coming very much to the heart of that question, and I appreciate your frankness.

Mr. Chairman: Other questions? Thank you very much, Ms. Johnston.

Ms. Johnston: Thank you.

Mr. Chairman: The next presenter is Mr. John Wiebe, a private citizen. If you give those to Bonnie, sir, she will distribute them for you. You relax.

Mr. John Wiebe (Private Citizen): Hello everybody, and thank you, Mr. Chairman.

Mr. Chairman: Sir, I will just ask you before you start, are you representing the Confederation of Regions Party?

Mr. John Wiebe: Right, yes.

Mr. Chairman: You are not here as a private citizen then.

Mr. Wiebe: Well, I am a private citizen but I am a director of the Confederation of Regions, yes.

Mr. Chairman: I see. Okay, thank you.

Mr. Wiebe: As a member of the Confederation of Regions, we reject the Meech Lake Constitutional Accord—

Mr. Chairman: Sir, again I am sorry to interrupt you. If you could just pull that microphone a bit closer. We have people out in the corner and I would like them to be able to hear you, if you would speak right into the microphone.

Mr. Wiebe: —as detrimental to the West and to the country as a whole. We believe the following to be adequate reason for opposition:

(1) The requirement of unanimity in the effect of a constitutional change to be adopted and primarily entrench constitutional arrangements. (2) The failure to adopt any meaningful Senate reform. (3) The transfer of patronage powers to Senate appointment to the province. This will nurture vested interests opposed to the Senate reform at the provincial level. (4) The closed-doors nature of negotiation and the lack of genuine public input into the ratification process. (5) The entrenching of the First Ministers' Conferences in the Constitution as a fourth level of Government. (6) The granting of special status to any group or Party within Canada. (7) The failure to secure from the Government of Quebec assurance that it will not seek independence in future Constitutional negotiations, that is to say, the failure to show that 'ne Accord in any substantive way promotes national unity. (8) The failure of the Government of Quebec to explicitly acknowledge that the acceptance of the Constitution Act of 1982 must mean its surrender to its claim of Labrador. (9) The lack of insurance that the Accord will not override the rights of all natural persons. (10) The failure to adopt more stringent and more public ratification procedures for Supreme Court justices in light of the powers our legislators are handing to the Courts. (11) The failure to recognize a right of all Canadian jurisdictions to the full power of provincial status, and the adoption clause which will make the admission of the province and creation of provinces in the northern territories more difficult than at present.

We cannot overemphasize our opposition on this deal. We urge the province of Manitoba and New Brunswick not to ratify the Accord and all other provinces to rescind their ratification. None of those three major political Parties object to this deal in whole or in part.

Then we have Bill C-72, tabled in the House of Commons in June of '87. It is one of the most radical pieces of legislation ever introduced in Canada. Its scope extends far beyond the Official Languages Act and the Charter of Rights. It is not a continuation of present policy, but rather sets a dangerous new precedent in this promotion to unilingual Anglophones in Government and elsewhere.

Yes, we are fed up as well with a Government that is totally impervious to our wants, needs and aspirations. No, we do not want nor do we need legislation like Bill C-72 or 169 Meech Lake Accord as written in the Constitution making all people equal but some more equal than others, while our seniors and less fortunates live below the poverty level without dignity. There have been economic and social injustice done to all of us from coast to coast; and it appears the Government that holds a power base only in the Province of Quebec and ignores the rest of Canada is not a Government "by the people nor for the people." When it comes to socioeconomic reform, the West has always been in the forefront with ideas, but they also produced wealth to this country. COR is the only Party to unite Canada and it is up to each and every one of us to strive for unity and harmony, not only amongst ourselves but right across Canada.

Mr. Chairman: Is that your presentation, sir?

Mr. Wiebe: That is my presentation.

Mr. Chairman: Thank you. Questions now from Task Force Members. Mr. Doer.

Mr. Gary Doer (Leader of the Second Opposition): Thank you, Mr. Chairperson. It is difficult to determine whether COR is for or against the existing Charter with the position on Article 9. Can you please explain that to me?

Mr. Wiebe: Yes, they are.

Mr. Doer: You are for the existing Charter?

Mr. Wiebe: I like the insurance of it.

Mr. Doer: Because I interpret that to be a different kind of Charter with the wording.

Mr. Wiebe: Yes.

Mr. Doer: But I am just trying to—

Mr. Wiebe: I am not exactly sure what we did—what I should say on that one, but I am pretty sure that they are not for it.

Mr. Doer: They are not for the Charter?

Mr. Wiebe: No.

Mr. Doer: Okay.

Mr. Chairman: Supplementary.

Mr. Doer: The position on ratification for Supreme Court judges, are you suggesting more public ratification and the election of judges as the extreme form of ratification, or a review of the appointment of judges proposed by the Prime Minister, or what type of ratification is COR recommending?

Mr. Wiebe: Well, COR recommends that the judges should be more from all over Canada, not just from one province.

Mr. Doer: Yes, but would that be through an election or somewhere in between in terms of the public ratification, just so—

Mr. Wiebe: Well, I cannot say too much on that one, but I know that we were talking about it and they figure that the judges should be more spread over Canada, not just from one place.

Mrs. Carstairs: Thank you, Mr. Wiebe. In your presentation, you talked about the failure of the Meech Lake Accord to adopt any meaningful Senate reform. Is it the position of the Confederation of Regions that you would support the principle of a Triple E Senate: elected, equal and effective?

Mr. Wiebe: Right, very much so.

Mr. Chairman: Any other questions to Mr. Wiebe? Thank you very much, Mr. Wiebe.

The next presenter is Mr. Abe Enns. We show you as a private citizen, sir. Is that correct?

* (1520)

Mr. Abe Enns (Private Citizen): That is correct.

Mr. Chairman: Thank you.

Mr. Enns: Or you could say, speaking on behalf of all my friends in this area that agree with me today.

Mr. Chairman: Let the record show local squire.

Mr. Enns: Sorry. I do not mean to jest. This is far too serious a thing that we are considering.

Mr. Chairman: I would ask you to draw that microphone up nice and close and speak right into it so that the people in the hall can hear you.

Mr. Enns: How is this?

Mr. Chairman: That is better, thank you.

Mr. Enns: First of all, I would like to thank the members of this Task Force on the Meech Lake Accord. I appreciate your coming down. I anticipated we would have a bigger hall because we know that our people are vitally concerned about the freedoms of Canada. With that, I would like to thank you for coming to the area to hear the concerns of the people on the future of a free and democratic Canada.

Each citizen has the same rights and privileges, a Canada we had while we were a Dominion of Canada, where you all could start at Vancouver Island, stop in Edmonton, go to Regina, Winnipeg, Toronto, Hull, Ottawa, Quebec, the Maritimes, and feel at home in Newfoundland. I had the pleasure and I never felt humiliated because they accepted me as a Canadian. There were no distinct societies at that time, no places in the whole of Canada where you did not have the right to advertise your business or your occupation in the language of the country that you immigrated from.

What I am saying, you could use the language as you saw fit from any country in the world before you came to Canada. I am an immigrant, or a descendant immigrant. My forefathers came from Holland. Then they went to Germany, from there to Russia, and finally we came to Canada, but that does not mean we came yesterday. We came to this area. I have here one of my neighbour's homestead entry ads, when all this area was just a wild prairie country. There were no people who told you what to speak or how to speak. All they wanted is to come in here, and we were welcome. My forefathers were welcome to come to Canada.

I have here a letter dated from July of 1873, which was given out by the Agricultural Branch because they wanted this to be settled. It states:

"I have the honour under the instruction of the Hon. the Minister of Agriculture, to state to you in reply to your letter of this day's date the

following facts relating to advantages offered to settlers, and to the immunities afforded to Mennonites, which are established by the Statute Law of Canada and by orders of His Excellency the Governor General in Council, for the information of German Mennonites having intention to emigrate to Canada via Hamburg."

I do not want to take too much of your time but, if ever some of you are interested, there was an exemption from military service by law and Order-in-Council. There was an Order-in-Council that was passed on the 3rd of March to reserve eight townships in the Province of Manitoba for free grants on the condition of settlement, as provided in the Dominion Land Act. That is to say, any person who is the head of a family, who is 21 years old, shall be entitled to one quarter. I would just like to interject here, maybe saying, why we are saying this, why are we dragging this in, when we are speaking about the Meech Lake Accord. Well, if that Meech Lake had been in place at that time, there would never have been—oh, what I am going to read to you!

In addition to this, first, you could have the eight townships there, and then next spring, if they wanted, they could change it for another eight townships, which they did—not exchanged but added to—and which took in almost all of the southern part. I happen to come from the village where Lord Dufferin came to welcome the first Mennonite settlers in Manitoba on August 21, 1877. It happened to be the biggest religion of the southern part of the province at that time. We lost out because of our railroad past Winkler and Morden, but we do not mind that. They are our friends and they have never told us not to come here.

This is what Mr. Dufferin said in that speech: "But it is not merely to the material blessings of our land that I bid you welcome. We desire you to share with us on equal terms our constitutional liberties, our municipal privileges, and our domestic freedom; we invite you to assist us in choosing the members of our Parliament"—maybe we have not done our share, good things always, maybe put some wrong ones in there, I do not know—"in shaping our laws, and in moulding our future destinies. There is no right function which we exercise as free citizens in which we do not desire that you should participate." That leaves no room for one province to have one French language and no English official language, and he is speaking about . . . — (inaudible) — . . . That is what I referred to before. We could go across Canada, we were all equal. "And with this civil freedom we equally gladly offer you absolute religious liberty. The forms of worship you have brought with you, you will be able to practise in the most unrestricted manner, and we confidently trust that those blessings which have waited upon your virtuous exertions in your Russian homes will continue to attend you here."

The reason I brought these things out, in 1890, the rest of the southern portion of Manitoba here was open for resettlement which could be picked up by any group. At that time, we settlers had the choice and we were really fortunate and I hope we have not ever—we all make mistakes, maybe we sometimes pushed a little too hard, but I do not think we ever said that we were above any other citizen in Canada.

* (1530)

In fact, I remember when I went to school—and I will not tell you my age, I am past 29—when we got in there in the morning, the teacher would call us up and he would say, we will now sing O' Canada. That song had a meaning, and it was quiet in that room. We had respect. The Queen's picture hung on the wall, and you did not see what I saw in last week's Free Press where a Prime Minister was portrayed with a Pinocchio nose. I am sorry to say this has gone too far, I think.

We have to get back that we can respect our elected people and we have to—if you have the respect, you have to earn it. I think that is the only way it will ever come back. So I have given you a little bit of history on where I came from and what has happened. Now if you want to just see it, this is a Homestead Act. You may all be familiar, but I want it back. I have a written copy at home. That is my great grandad's. When he went to get his naturalization papers—and people were proud to be called a Canadian. They went with an ox team from Rhineland to Emerson. It took more than a week or two, but people took Governments seriously, and we have to again. I have during the history of where we came from, so I will leave that go. But I want to add to that I feel, unless the Meech Lake Accord is withdrawn, all these things we will never again have a Canada where we will stand at attention and be proud in every province at the same time.

I would like to interject at this time. I read in the paper, when you had your first meeting in Winnipeg, some were called bigots or whatever, and I did not come here to bash any nationality. Some of my best friends are Frenchmen in Manitoba—honest, good Canadian citizens—who said I come from France; I am a Canadian of French descent, just like I am a Canadian of Holland descent. I am not bilingual; I am trilingual. Wat wes du Witen? Was wilst du wissen? But if you ask me in Spanish, I would have to say no comprende, Senor, and the same thing goes with French.

I have in my pocket two letters that I have received in the last weeks and, in each of these letters, they call us bilingual Canada. Of course, if you check, that is not true. According to facts and figures I have in here, Quebec has no official language, English language, but on this card sent to me here, telling me I won something fantastic—that is as much as I could get out of it, but not a word of English. So I wrote on it, and I am sending it back, if it is important, send it in English as we live in Canada and only speak English, German and Dutch. The second one, you can see, is an official letter, could be even worth something, but there is not one word of English in it. Why, if you are bilingual? Is this bilingualism, no English? We see what is happening in Quebec, and these are both from there. Maybe you had the custom. Like I said before, I want to apologize to any Frenchman sitting in this room listening to me, because I have worked more than 30 years in public life. I have been on the Manitoba School Trustee Association Provincial Board. I have been a school trustee locally for more than 15 years. I have been in council more than that, and I always felt good because I thought we all worked for a common cause.

I do not like, and when I came here—and I am going to ask you if this is not the truth. I do not want to dwell on it. It says, "Mr. Filmon dodges again." If that is the truth, then I do not want to comment on it because it says here that, "as established by Mr. Filmon, the constitutional task force and its consultations will be nothing more than a procedure leading from one procedure to another." I hope it is not the case. I hope that you will take some of the messages back with you.

Then, on that meeting you had in Winnipeg there, it says: "Premier Gary Filmon and Opposition politicians are hoping public hearings announced yesterday on the Meech Lake Accord do not become a forum of anti-French bigotry." That is why I threw away my text. It could be construed as such and I have in the past mentioned that I believe, regardless of where you come from, we are all equal. In fact, I skipped that before and I am returning right now to that.

By the way, lest we forget, we are all immigrants, even the English and French. This is why I feel so bad when I think about our Native people. More and more rights are being taken away by the actions of the Government over the years. Before, they had to learn one official language and their own. They could keep their own tongue. Today, and with Bill C—I will get the number out of my hand somewhere, but with that Bill even my grandchildren, if that is enforced, will not be eligible to go like my former relatives to join the RCMP.

That Bill, actually if it is enforced, has the power to limit almost every person's activity in Canada. It gives way too much power to the present Government to act, but it has not shown the responsibility like two nights ago, when the people of the Maritimes, the fishermen, were telling us there that their fishing rights are being cut by 15 percent, 20 percent, and in the same breath, that we are now offering the trawlers of France to increase their quotas. Who does our Government represent? I think it is time that our Government starts to look at—by the way, I am on a limit and then I have to be cut off.

Mr. Chairman: The first bell has gone so you are somewhere between five minutes and zero.

Mr. Enns: Then I would just like to say a few things. As long as the Province of Quebec is not a part of Canada, it should be an equal partner in the Confederation, with no special privileges over other provinces. Quebec made French the only official language in that province. The Government has spent millions forcing French- and English-speaking provinces. I do not want to say what was further stated there. I do not think we should declare the rest unilingualism. I want a Canada that is complete. I could tell you here—I am trying to speed this up. I would like to get some of this in.

* (1540)

Mr. Chairman: You just have a minute left, sir. I will, in fairness to warn you, if you want to—

Mr. Enns: Okay, I will stop with this.

More French than French in France—the outcry, stunt French. Somewhere the Canadian Government even got into the act through the intervention of the Environment Minister and the Canadian ambassador to France and they pushed for signs and this is what the article says: "France would never accept the restriction of languages like Bill 101 to protect the French language." This is France I am talking about now. They have more rights out there. I would like to just say thank you and may we have a total Canadian country. Thank you all.

Mr. Chairman: Thank you, sir. Any questions to Mr. Enns from the Task Force? Thank you very much, Mr. Enns.

Mr. Enns: Thank you for coming.

Mr. Chairman: Did you get your documents back, sir?

Mr. Enns: Thank you very much.

Mr. Chairman: Thank you for showing them to us.

The next presenter is the Honourable Mr. Mayer. Mr. Mayer has not arrived.

Ladies and gentlemen, the only exception to drawing by lot, literally drawing names out of a hat for order of speaking, is for Manitobans living outside of the province temporarily. As you know, the Members of Parliament are sitting in Ottawa so we have offered to all Members of Parliament the opportunity to be slotted in at a time which is of some convenience to them. I think you would agree that is fair in that they are now required to be in Ottawa to sit in the federal House. Mr. Mayer was slotted for 4 p.m. We are running a bit early so, if Ms. Oldcorn is here, I wonder if she would be kind enough to go forward at this point.

Ms. Oldcorn, are you here? No? How about Ms. Audrey Meyers? Now, we will see whether anyone from the evening list is present. Yes, sir? Are you on the evening list, sir? What is your name?

Mr. George Henderson (Private Citizen): George Henderson.

Mr. Chairman: We would be delighted. Please step forward. Is he all set? Sir, please proceed. I have you listed as private citizen. Is that correct?

Mr. Henderson: That is right, sir.

Mr. Chairman: Thank you.

Mr. Henderson: Mr. Chairman, Members of the committee, the news media and other people who are presenting briefs, I would like to present a brief on my own behalf, but I am doing this because there are so many people who have been wanting to say something about the Meech Lake Accord and feel they are not able to or are nervous about it. So I say that I am representing the secret majority, and I am sure that there are an awful lot of people out there who would like to say something but are probably too nervous to

do it. I am going to get over my nervousness and will not have to worry about this evening. I will get it over with now.

I am trying to understand the Meech Lake and the constitutional agreement. - (Interjection)- Oh, I am sorry. Are you not hearing? Shall I repeat somewhat?

I am here as a private citizen, but I believe I am representing the silent majority. What we find in many cases is that the silent majority will sit back and say nothing, and that things happen that should not happen.

I have studied the history, in reading about Meech Lake and the history of Canada, how the Senate is appointed, about the judges and the debates in the constitutional agreement. I came up with several concerns because, since Confederation in 1867, Quebec has been a part of Canada and a part of Confederation. They have always had Members in the House. They have had them in the Senate; they have got them in the Supreme Court. They pay taxes to the Government of Canada and they also get many grants, probably at least their share.

Now regarding the Senate, it has been talked about for generations, everything about whether they are any good or whether we should do away with them all together, how they are appointed, how long they should be appointed for, and how much power they should have. Now I will answer them like this. If they should have a Senate at all, I think they should be elected. In other words, I am in favour of the Triple E Senate idea, and I believe that even that should be for a period of time, not for life.

How much power should they have? Well, if they were elected from the different provinces and went through a proper democratic process, I believe they would be capable then and that they would be able to contribute quite a bit. But my final opinion is that the Government of Canada must have the final say. You cannot have somebody else trying to tell the Government of Canada, which is an elected group, what they should do, like what was going on with the Senate before I closed down the House.

Now, when I talk about the Meech Lake Agreement, there are things as an ordinary person and having been involved with local things, I do not know how you can expect 100 percent agreement. I do not know of any group that gets into big issues that really can get 100 percent agreement. So I think that in the final thing on changes to the Constitution that there should be a formula, possibly two-thirds to one-thirds, but they certainly should not expect it. If, as we see now, when one province is more hostile to the other, how would you ever get any changes to come about? I just do not see how it would work.

There is so much arguing about the notwithstanding clause. People are all interpreting it differently. I think that should be cleared up, because the lawyers are arguing about it. Mr. Filmon and Mr. Bourassa argue about it. To single in the word "distinct society," what does that mean? Does it mean that more French there only, or does it mean that because it is Quebec that they are going to have special privileges? It almost seems to me as if it is this way.

Over the years, they have been pushing—Ottawa has ever since the days of Mr. Pearson and Mr. Trudeau—for a great extension of bilingualism across the country and even in areas where it is not practical at all and where it is causing more division than it is causing unity. I am one of those persons who believes that it was not all that bad before. I know in this particular area here where people spoke Mennonite and that the rural council would not hire somebody who could not speak to the people in your area. I know that when you went out to Lowe Farm where they had many Germans and that, the people from Lowe Farm and that area, the village secretary could speak the languages of the people in the area. You can go over to the R.M. of Lorne where there is a lot of French and the secretary can speak French just as good, but they did not have to be told that. The local people did it and things were going along pretty good.

* (1550)

So I am wondering what is all this fuss at the last. It just seems as if people are saying that we are in a mixup. We have got to do it now. It has got to be fixed so quick. I see Quebec getting all the breaks that any other province gets, and I do not really see the big hurry. So I am just wishing that they take time. I think they should not bring in this Constitution unless they bring in Senate reform at the same time. I really do. I think they should bring it up.

Now to tell the people that you will do it afterwards is kind of foolish because, anybody who belongs to the business world, if you are driving a bargain and it is very controversial, if you sign on the dotted line you do not get more privileges after that. They figure that is as far as they go. So I do not see why, as a businessperson myself, that would be. I hope I have not said anything that really offends any people from the French background but I do feel that this Accord has to be changed and it is because of what has been happening down in Quebec. All ethnic groups should be served, I do not care which group they are. They should, if they are in an area, be served.

But people came here by choice. They came to a country which was bilingual. As they have settled here, things have changed somewhat. At the time of the Battle of the Plains of Abraham, it was about 50-50 but, as the West became settled, it became full of the Ukrainians, Germans, Poles and every other nationality there was and not as many French.

We should recognize that English is the working language of Canada and it should be considered as such. So, if I have offended anybody, I am sorry about it. I probably should not be worrying. I am at the age where things are going to go good for me for the rest of my life. It has done so already and I have been very fortunate in Canada. So were my people. I appreciate what Canada and Manitoba has been to me, and that is why I appear here today. I feel that I owe Manitoba and Canada something and that is why I am saying that there should be changes to this Accord before it is agreed upon. I will answer any questions that I can.

Mr. Chairman: Thank you, Mr. Henderson. Mrs. Carstairs.

Mrs. Carstairs: I have just one question, Mr. Henderson. You referred to the need for an elected Senate and you approve of the Triple E concept. Then you made the statement, the Government of Canada must have the final say. Are you suggesting that even with the Triple E Senate the House of Commons should have the suspensive veto?

Mr. Henderson: I am inclined to believe so. That might not be in a court of law. Everybody else believes in the Triple E Senate. But I really believe that the Government of Canada has to have the final say. Yes, I do.

Mrs. Carstairs: Thank you.

Mr. Praznik: Mr. Henderson, just one question of clarification, when you talked about amending formulas in your opposition to the need for a unanimous approval of the provinces in certain areas of the constitution, you talked about possibly a two-third, one-third of the provinces. One, as you know, of the amending formulas is the seven out of 10, seven provinces out of 10 representing 50 percent of the population, which effectively gives a veto to Ontario and Quebec together. I am just wondering in your recommendation to this Task Force, should there be a population requirement in your two-thirds, one-third or some such number. Should that be a component of the amending formula?

Mr. Henderson: Yes, that is basically my thinking. I think that if 70 percent of the population of the different provinces want to change, I think they should be able to overrule the other three in the constitutional change.

Mr. Praznik: Just to clarify further, seven out of 10 representing what percentage of the population would you recommend?

Mr. Henderson: I guess a person would have to be careful on that because, if you ignore the concentration of people in Quebec and Montreal, that would probably make it that if you said two provinces they maybe could control it. I know that seems to be the way it is in the elections. I do not believe that the two provinces, as such, should have all the control, I guess.

Mr. Praznik: So you would advise us then to have an amending formula that would be greater than 50 percent so just Quebec and Ontario alone would not be able to veto changes. Is that your—so I understand. Thank you, Mr. Henderson.

Mr. Chairman: Any other questions to Mr. Henderson? I appreciate your going early, sir. Thank you very much.

Mr. Mayer, the Member of Parliament for Lisgar, Marquette and Minister in the federal Cabinet. Please proceed, sir.

Hon. Charles Mayer (MP for Portage-Marquette): Thank you very much, Mr. Chairman. It is nice to be here. I spent a lot of time in this school and I think most of my time was spent in the gymnasium, so it is nice to be here this afternoon.

Mr. Chairman: Come back and join us tonight. We will be in the gym.

Mr. Mayer: Would we have a chance to play a little basketball if we do that? I used to have a chance to play with your Premier.

First of all, I appreciate having the opportunity to be here in front of your Task Force, examining the proposed constitutional amendments of 1987, which have come to be known as the Meech Lake Accord. Constitutional amendments are part of our history. They have happened many times before, and they are part of an ongoing process. I think that is what we would expect because, no matter when you write a Constitution or how you write it, times and events change. You have to look at a way of keeping your Constitution up to date, and that means amending it.

The first thing I want to say a little bit about is the amending formula. The first point to make is that Meech Lake builds on and does not displace the basic principles underlying the amending procedures adopted in 1982. At that time, Canada acquired a set of rules for future constitutional change. Under those rules, first of all, most major amendments must receive the support of Parliament and of seven or more provinces, representing at least 50 percent of the total provincial population. So that means, just to previous discussion, that is exactly what we have.

Additionally, the consent of Parliament and all provinces is required for changes to some of the fundamental aspects of the Constitution, among them, the monarchy, the amending formula itself, and the right of a province to have no fewer members in the House of Commons than it has in the Senate.

Under the Meech Lake Accord, unanimous consent will be extended to cover some additional matters that are fundamental to the federation. These are, and there are three: Senate reform, the establishment of new provinces and the extension of existing provinces into the Territories and, lastly, the proportionate representation of the provinces in the House of Commons. While this aspect of the Meech Lake Accord has been much discussed, it is not always seen from the point of view of provinces such as Manitoba. I believe that is one of the things we should focus on at these hearings is what in fact does this proposal for constitutional amendments mean to provinces like Manitoba and, in particular, Manitoba.

For example, for the first time, the 1982 Constitution Act gave existing provinces a role in the establishment of new ones. In the future, on this and other key issues, all provinces will be equal. As Peter Meekison, one of Canada's most experienced constitutional negotiators and now vice-president of the University of Alberta, has said on these issues: "There will be no first-class and second-class provinces."

It is worth noting that the Special Committee of the House and the Senate that examined the proposed amendments to our Constitution had this to say:

"The proposed changes to the amending formula do not establish any new principles. They carry forward the principles established in 1982 in a way that is consistent with both the equality of the provinces and a recognition of the State that

each and every province has in the basic elements of the Canadian Federation."

I would like to emphasize this if I could, because I think there is a great deal of misunderstanding and confusion about it. That is that Meech Lake, the so-called 7-50 rule, which means that you need seven provinces making up at least 50 percent of the population, remains in place. There is nothing different. It remains in place for the vast majority of constitutional amendments, including possible changes to the Charter of Rights, the distribution of powers, and aboriginal rights.

* (1600)

In this context, recent statements to the effect that Quebec would have a veto over repeal of the notwithstanding clause is not correct. Nothing in the Constitution changes the amending formula relating to the notwithstanding clause. Perhaps I could explain that and emphasize that. It simply means that if you now amend the Constitution as far as the notwithstanding clause is concerned, the 7-50 rule applies. If in fact Manitoba was in a situation where they got outvoted or they did not go along with it, they could in fact ask that amendment, the notwithstanding amendment, not apply to Manitoba.

Nothing in the amendment, as I said, changes as far as the "notwithstanding clause" is concerned. Quebec does not have a veto over changing our Constitution acts and works as far as the notwithstanding clause is concerned.

As a result of the change, Meech Lake proposes to the amending formula that consent of all provinces will be required to reform the Senate. In future, each province will thus have an equal say in this fundamental issue, unlike the present rules which on a de facto basis or effectively give Ontario and Quebec a veto because together they make up enough of the proportion of the population of the country that in effect, if they both do not go along with it on a day to day or on a de facto or on an operational basis, in effect, they have a veto.

The joint committee noted in its report: "The Accord will assure provinces who feel strongly about Senate reform that they cannot be forced to accept a Senate reform package that does not live up to their expectations."

Let me give you an example. Supposing, for whatever reasons, there was a proposal to amend the Senate that was unacceptable for a province like Manitoba and Saskatchewan. We are similar kinds of provinces, both prairie provinces, similar kinds of population. For whatever reasons, Manitoba and Saskatchewan decided that they did not like amendments to the Constitution affecting the Senate, they would not have a say in it. With the unanimity provision, they have a say in it.

I think that can be an advantage to a province like Manitoba. There is the feeling by some that the need for unanimity will make agreement more difficult than it would be if we held up the Accord until we have Senate reform with it. I do not happen to believe that.

I do not think this is the case, not because the Accord is governed by the unanimity requirement but because Ontario and Quebec in all likelihood will be the most reluctant about Senate reform.

I happen to think that as a family if you sit around the table, everybody being equal, you are going to be able to arrive at a consensus. We have done it before. I think we can do it again, as opposed to sitting around the table presently, when you have Ontario and Quebec, and to quote Orwell, "some being more equal than others," I think that can be something that should be considered and I think that can be an advantage as far as provinces like Manitoba.

There is another point to remember, mainly that unanimity has been achieved in constitutional amendments in the past. We did it in 1940; we did it in 1951; we did it in 1960; we did it in 1964; we did it in 1987 when we reached agreement unanimously. So to say that it cannot be done is not the case when you look at what we have done historically in this country.

Another point to consider, and let us just say this again, is that unanimity will protect each province, including Manitoba, against an amendment to reform the Senate that is unacceptable to it. So viewed in that light, we can see that there are some advantages for the unanimity clause in the proposed amendments as far as Manitoba is concerned.

I happen to also think that there is some optimism as far as proceeding with Senate reform is concerned. First, it is clear that Senate reform is now an important constitutional priority. The sense in the West that a reformed Senate is the route to making sure western concerns are heard and heeded in Ottawa on a regular basis has been very evident to anyone who has followed debate on this issue during the past couple of years. The federal Government strongly supports Senate reform. The Prime Minister is on the record as saying that he strongly supports Senate reform and he strongly supports an elected Senate. He has agreed that, if Meech Lake is passed, at the top of the agenda for the first First Ministers' Conference after Meech Lake is passed, should it be passed, Senate reform will be at the top of that agenda. So we have the federal Government saying it is a priority. You have provinces willing to discuss it.

With the passage of Meech Lake, you have agreement that one of the first things to be discussed at a First Ministers' meeting will be Senate reform. You also have the Prime Minister of our country saying that he favours Senate reform and that he favours an elected Senate. I happen to think that is a fair amount of progress and, when you are talking about constitutional reform, some of those things take a long time. I have been part of the GATT negotiations for the last four or five years, and some of those involved discussions with many people just happen to take a considerable period of time.

I will say a little bit if I can now and very briefly about the concern over the diminution of federal powers, Mr. Chairman. It will be very briefly, just a quote from the proposed amendments, Section 2(4) says:

"Nothing in this section derogates from the powers, rights or privileges of Parliament, of the Government of Canada, or of the Legislatures or Governments of the provinces, including any powers, rights or privileges relating to language." It says right in the agreement that there is nothing that derogates from the powers. Quite clearly, this means that there is no change in the existing division of legislative and executive powers between the two levels of Government. Consequently, any actions taken must be within the present constitutional framework so, if you are concerned about one of the things that is addressed directly in the proposed amendments, it is the division of powers.

The countries—let me change, make another point if I can, and try to come to a conclusion as quickly as I can here. How are we doing for time?

Mr. Chairman: You will hear a bell, sir, which is 15 minutes, meaning you have five left. You have not heard that bell yet, so you are still all right.

Mr. Mayer: The country's attitude towards itself has changed in the past few years. The arguments have been, that have been ongoing, not just been federal-provincial, but in some cases they have been inter-regional. Some of these things, I believe, are going to be addressed fairly fundamentally in the Accord. Some have claimed the Accord's immigration provisions disadvantage smaller provinces like Manitoba by guaranteeing a specific province a set share of immigrants. They claim this will freeze Manitoba's growth in the future.

* (1610)

First of all, everybody should be aware, and I think this is important to note, that any province can ask for an immigration agreement with the federal Government, and the federal Government is obliged to sit down and negotiate one. This is consistent with the principle of equality of all provinces which underlines the Accord. The so-called immigration guarantee for Quebec is not in the Meech Lake amendments. It reflects a political commitment which is to be the basis of an agreement to be negotiated with Quebec. But this is simply a best-effort statement, as no one can guarantee that all those who initially settle in Quebec will stay there or settle any place else for that matter, whether it is Toronto or Vancouver, particularly since the Charter's mobility rights are unaffected and immigrants to Quebec or Vancouver or wherever will remain free to move to another province. They are going to move there based on job opportunities, based on quality of life and some of those things. Therefore, no province is disadvantaged or advantaged in this area by this statement.

With respect to the issue of family unification, the Accord clearly establishes that the federal power to establish national standards and objectives—as I pointed out previously, you should take this into account. Provinces, as all of us would expect, have willingly agreed to this primary federal role.

Finally a few words, if I can, about another part of the Meech Lake Accord and that is the provision which

confirms in the Constitution the current practice of holding a First Ministers' Conference to discuss economics and other matters. Not so long ago, the very convening of such a meeting was the cause of concern. The Prime Minister of the Day heard from the provinces. They suggested that a meeting should be held on such and such a topic and then there was a discussion as to whether it should be held, where it should be held, and the agenda. The Prime Minister made a statement in August of '84 and said this: "To end parallel or incomplete planning between the two orders of Government, we will set up a federal-provincial advisory and coordinating body. It will operate at the highest level, mainly with the 11 leaders themselves working together in an appropriate and institutional framework advising on the options envisaged and the directions to take." As a result, First Ministers' Conferences have become a regular forum where the provinces can make their special concerns known so that federal programs are framed in a way that work for all Canadians, wherever they live and whatever they do to earn their living.

They provide a framework for continuing federal-provincial meetings of both Ministers and officials, and impose on all of us in Government what Senator Lowell Murray called a healthy discipline. The forthcoming conference represents a deadline to be met, and I think it is an important forum where, if necessary, you have the First Ministers there and they have at that level the opportunity to break deadlocks. Surely, regular meetings will lend stability to the onward planning that we all must go through as Governments. It also ensures that when decisions are made by Governments at both levels, there is an up-to-date discussion amongst the people affected as to what it means to the relevant areas of the country, simply, I think, good management.

So by guaranteeing annual conferences on the economy, Meech Lake will carry forward the agreement First Ministers signed in Regina in February of 1985. They agreed at that time to hold regular First Ministers' Conferences. I believe this provision of the Meech Lake Accord will encourage federal-provincial cooperation and will strengthen our capacity to work together.

Let me conclude, Mr. Chairman, by simply saying that—and there are all kinds of quotes from many Canadians. I guess one I would use here, single out from Mr. Pickersgill, a veteran of many Governments, when he appeared before the Joint Committee in August of '87. This is the Joint Senate House Committee that looked at this Accord. Here is what he said: "Most Canadians want creative cooperation. The acceptance of the Meech Lake Accord will make that possible. I regard the Meech Lake Accord as the gate to greater unity and harmony in Canada."

So in conclusion, Mr. Chairman, in Manitoba's case, I believe that Meech Lake on an operational basis will bring Senate reform closer. There is already a timetable in place, there is already a commitment by the federal Government to examine it. I believe that the amending formula, it has a unanimity provision in it, not for everything but for some things. For the majority of amendments, to amend, the unanimity clause does not apply. I believe that on some of the things that it does

apply to, as I have stated, that the amending formula has advantages for provinces the size of Manitoba. I do not see that it gives any additional powers to either the federal Government or the provincial Government.

So I would simply point out that in a Constitution, no matter how well you draft it, anything that is done by mortals, by definition, is not perfect. That means if you are going to change it, hopefully for the better, we have to have an amendment formula. We have done that. I believe that what we are talking about today is right for Manitoba and I believe it is right for our country. I would ask that you consider carefully the points that I have made here today in making your recommendations back to your legislative body on the hearings that are under way.

I want to thank you very much for giving me the opportunity to be here today and look forward to doing whatever I can to respond to whatever questions that you might have. Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Mayer. The first question is from Mr. Carr.

Mr. James Carr (Fort Rouge): Mr. Mayer, I gather from your submission that you are advising this committee to adopt the Meech Lake Accord without any amendments whatsoever. My question then is related to process. We have heard from many Manitobans so far who are happy to have a chance to speak. Many other Canadians have not yet had the chance to speak and will not. Are you advising this committee that in the face of widespread public opinion in the Province of Manitoba that we should fly in the face of that opinion, that we should not take into consideration the many objections to this Accord, we should ignore our responsibility as Manitoba politicians to make sure that our vision of the country is reflected in this Accord? Is that your advice to us? Are you saying that we ought to accept holus-bolus the document in spite of the opinions that we have heard today, the opinions we heard in Winnipeg last week and the opinions that we are likely to hear over the next three weeks?

Mr. Mayer: What I am asking you to do, Mr. Carr, is to seek or consider the points that I made in your deliberations. How you carry out your responsibilities is entirely your affair. There have been hearings right across the country. There were public hearings held by the Joint Committee of the House of Commons and the Senate. There have been hearings, as I understand it, I think in most of the provinces that have passed it, the eight of the 10 provinces that have passed it. What I have pointed out here today, I hope, helps clarify some of the misunderstandings that I see about Meech Lake that is giving rise to some of the concerns.

So, above all, I would simply ask that you look at Meech Lake for what it is. I have tried to point out that does not diminish the federal or provincial powers. It does not add to federal or provincial powers. I pointed out how I believe it can hasten the day of Senate reform and some other things. So I am simply asking that you consider those things in your recommendations. How you view your responsibility when you are just, I believe,

the second day into the Accord is entirely your affair. In my opinion, I think it should be passed because there are some advantages, as I said, for a province like Manitoba.

Mr. Carr: A more specific question, if I could, much of the testimony we have heard to date deals with the Charter of Rights and the protection of individual freedoms of Canadians, not so much the powers to Governments but the freedoms that all Canadians enjoy. What would be wrong with the clause in the Meech Lake Accord that said that the Canadian Charter of Rights and Freedoms have predominance? Why would you object to that?

Mr. Mayer: I am not so sure that I would object to it, except that is not in the Accord. - (Interjection)- I mean, why do you chuckle? We have in front of us, as I said, a document that I do not think is perfect, hence the need for an amending formula and nothing in this Accord changes the way the notwithstanding clause is applied to the Charter. If you are concerned about having some of those things in the Constitution, then in my view we are going to get there quicker by passing this Accord and getting on with the negotiations to bring some of those things about. So, chuckle if you will. Understand what the process is and understand that if that is a major concern, I firmly believe that one of the ways to achieve the accommodation of that concern is through the passage of Meech Lake Accord or the constitutional amendments of 1987.

Mr. Carr: One last question if I could, Mr. Chair.

Mr. Chairman: Perhaps, if I may, I will return to you, Mr. Carr, and do Mr. Doer. I promise to come back this time.

Mr. Carr: Okay.

Mr. Doer: Thank you very much. I was trying to figure out a way of getting oats and the Wheat Board onto the Meech Lake Accord, but I could not do it, Mr. Chairman.

Mr. Mayer: I am not so sure it would be a popular decision if you could figure out a way, because I believe that I made the right decision and a popular decision on that. As a farmer, I challenge you at any time at a later date if you want to take me on on that one.

Mr. Doer: My question is - (Interjection)- you have mentioned, you have stated and quoted that there were no first-class provinces anymore and no second-class provinces with the amending formula. Would you not agree though that the people living in the Yukon and the Northwest Territories by this provision that has gone from pre-'82 of being the federal Government and the Territory to '82 being seven out of 10 and 50 percent of the population, now going to unanimous provision, that they are very much in a different position than y and I were when our forefathers and foremothers established Manitoba with just the consent of the federal Government? Their chances, as they articulate, to become provinces some time in the future are greatly

diminished, if not extinguished, by this unanimity provision.

Mr. Mayer: I know I would not agree with you one iota on that. I do not think that there is any reason to suspect that the same people who elect you as a provincial politician and the same people who elect me as a federal politician are going to instill in me any more mean-spiritedness or sense of accommodation for other parts of the country that eventually want to become a province, regardless of what the process is to get there.

I think I can make the case that, as I said, sitting around the table requiring unanimity where everybody there is equal—and understand that, when we have a new province, there are many things that are going to be affected, that are going to affect present provinces, like equalization payments and some of those things, that it is going to be a lot easier to arrive at consensus with everybody there at the table voicing their concerns, doing their very best to have those concerns accommodated. I do not accept that at all. As I have pointed out in practice, we have reached agreement on a unanimous basis in the past on many, many issues.

* (1620)

Mr. Doer: I had the Premier of Quebec suggest to me that why should we give away our resources to them in the Yukon and Northwest Territories, which suggests to me that there is a lot more at stake here than you may have suggested. Why not have at minimum an amending formula that the people in the Yukon and Northwest Territories feel will allow them in the future to become provinces, as Manitoba did in 1870.

Mr. Mayer: Are you saying that supposing some day that you were Premier of the province and we, as the federal Government, were proposing that there be a new province established in the Yukon, or Yukon and Northwest Territories, that you, as a province, would stand in the way of that? In actual practice, that is in fact what you are saying. If you are against unanimity in saying that is one of the reasons to keep new provinces from being established, it would obviously be the provinces that would prevent that from happening. In this case, if you happen to be Premier of the province, it would be yourself doing it.

Mr. Doer: On that point, certainly I would not, but I have already heard from a Premier who has suggested that they would. I am willing to go out on the record on it. Why do we not take the advice from the people of the Yukon and the Northwest Territories who see their aspirations greatly jeopardized by this Accord? You have heard their testimony and heard from the people of those Territories. Why would we not in this ongoing process make changes in this round of the Accord, rather than some kind of mythical round that does not straitjacket them for ever in the unanimous provision that they do not feel they ever can meet in the future of this country?

Mr. Mayer: I do not happen to believe that is the way our country operates. I think there is a feeling of

generosity and accommodation that we all know. That is the spirit under which new provinces will be looked at. I just again, to say in an operational sense, if you are in a family of 10 or 11 people and somebody rules with an iron fist and says this is absolutely the way it is going to be, somebody who does not have their views heard and at least have the option or the potential to have them accommodated by being at the table is going to be a lot less willing or more reluctant to go along with the agreement that they do not agree with than somebody who is at the table. They know that they have been there. They have been able to make their case, understand both sides of the issue—

Mr. Doer: But they are not at the table.

Mr. Mayer: But the provinces will be at the table.

Mr. Doer: But they will not be.

Mr. Mayer: How can you have somebody there that really is not? How can you have somebody—obviously, if you are going to establish a province, you are going to have to find some kind of a way in practice to take into account the considerations that are there. I just do not accept the premise that you say. I think you used the word extinct, or render it an extinct possibility of ever becoming a province.

Mr. Doer: In their words, extinguish their possibility.

Mr. Mayer: I do not accept that at all.

Mr. Chairman: Other questions? Mr. Carr, back to you.

Mr. Carr: Just one last one, it has to do with the immigration provisions with the Accord, Mr. Mayer, which I find confusing. The Cullen-Couture Agreement gives the province of Quebec its proportion of the Canadian population in immigration, plus 5 percent, and the Meech Lake Accord offers a similar deal to all the other provinces. What does that mean? Does that mean that within the Constitution we have now said that our immigration quota is 150 percent of what it is now?

Mr. Mayer: What it simply means is that it is a best-effort kind of an agreement. It means, secondly, that the federal Government would have to negotiate similar agreements with other provinces should they request it. It means that if you move to a province, and again it does not have to be Quebec, because of the mobility guarantees in the Charter, you can move anywhere.

There are many things that are different in Quebec. I might mention one here. How many people here know that Quebec operates under a different agreement as far as crop insurance is concerned? In Quebec, the federal Government and the province pay 25 percent of the premiums and the producer pays 50 percent, and the federal Government and the provincial Government share equally administration costs. Here in Manitoba we operate under a different formula that requires more participation by the federal Government but, if other provinces wanted to enter into an

agreement similar to Quebec, we would be obliged to do that. So it just means that it is a best-effort agreement that is there for other provinces if they choose to ask the federal Government to negotiate similar arrangements. That is simply what it means.

Mr. Chairman: Our time is up for questions. Thank you very much, Mr. Mayer.

The next presenter is Ms. Oldcorn. Is she here, please? Ah, good. Ms. Oldcorn, you are appearing as a private citizen?

Ms. Clarice Oldcorn (Private Citizen): Yes, I am. May I start?

Mr. Chairman: Please go ahead.

Ms. Oldcorn: Mr. Chairperson and Task Force Members, greetings to all the media and the support staff that you have with you. It is quite overwhelming and scary to be making a presentation in a group as large as this. When I have done it before, there was very little interest. I did not realize what I was getting into when I decided to do this, so I hope that the people who are listening will give me a break in that I am not a professional at this and I will not be as polished as the Honourable Mr. Mayer. I never, ever expected to sit in the seat right after an MP, so I will try.

My address will be coming from a completely different tack this afternoon than probably many of the people in this room are interested in, so perhaps they can take a mental break if they wish, because it is hard concentrating on everything that is being said. I am sorry, I have not been here all afternoon to hear the comments but I certainly welcome the opportunity that the Premier has given me to use my democratic right to speak on such an important issue as the Meech Lake Accord.

I would just like to comment very briefly on who I am. I am a person who lives in another rural community, not this one. I am a mother, a wife. I have four children of my own. I have been a community volunteer for many years in the unpaid labour force and at the present time I am now working in this community for dollars, which is very nice for a change, but I believe I represent many people in similar circumstances. Many women in the province are not able to get out to things like this and make presentations, so I believe I am speaking for a larger group than just myself. I do have a list of names brought with me that have also signed a petition about the Meech Lake Accord.

I was going to just speak without reading my presentation here but, because there are so many people, I think that I will just go right ahead.

I would like to thank each of you for taking the time to sit on this Task Force, and I appreciate this opportunity to exercise my right as a citizen of Canada. The Premier, for whatever reason he was holding these hearings—perhaps it is stalling until 1990, I do not know—but anyway, I think he did the right thing by allowing people to speak and obviously that concern has been voiced here earlier.

Now, I am in Winkler here today representing the one concern of rural Canadian women. I am part of a grass-roots movement. I brought with me a petition of names of women from my community who also support this stand on Meech Lake. None of these nor I wish to be identified as part of an anti-French lobby, and the media and some politicians might believe that grass roots here in Manitoba means anti-French and this is far from the truth. I feel very strongly that Quebec must be brought into the Constitution but this is not the point that I want to address. I feel that my expertise is not in that area. You will hear many other comments about that.

I am opposed, however, to the ratification of the Meech Lake Accord because it is a seriously flawed document, and it was arrived at under a time pressure by only 11 men at Meech Lake. I feel that if it is ratified the document will be extremely difficult to amend, and I would like to give you my reasons.

* (1630)

The first reason not to ratify the Accord is because of its potential adverse effects on the hard-won women's equality rights. This amendment leaves the Constitution of Canada open to interpretation. In a country ruled by law, verbally expressed intentions or assurances of Governments or courts are worthless. They carry no weight. A guarantee needs to be written on paper to ensure citizens of their rights. Therefore, it is absolutely necessary that the equality rights attained with the passing of the Canadian Charter of Rights and Freedoms are spelled out clearly or, as demonstrated already, these rights might be superseded in hierarchy by the Constitution of Canada.

I believe I speak for thousands of Canadian women when I request that the Meech Lake Accord be amended to guarantee that women's equality rights as set out in Sections 15 and 28 in the Canadian Charter of Rights and Freedoms are protected. The amendment could merely state that all rights guaranteed under the Constitution are consistent with the Charter of Rights. I do not believe that I must be a lawyer or an expert in constitutional law, and I am sure you are going to hear from many of those before you are finished, to stress that nothing in the Accord will abrogate or derogate from any of the rights and freedoms guaranteed in the Charter. Surely, women are not going to have to fight all the battles to ensure their equality all over again. What a waste of productive energy.

A second concern of mine is the undemocratic process used to arrive at this agreement. Eleven men cloistered at a lodge in Meech Lake took it upon themselves to draft this legislation in a very short period of time, and no people from the Yukon or the Northwest Territories had any input. How would you feel if you lived in Inuvik and all this was going on and you had no direct access to making your views known?

Also, the speed with which this Accord was ratified in eight out of the 10 provinces was amazing. Only Manitoba and New Brunswick allowed any input from the average citizen, and this seems wrong to me. Our Constitution is the fundamental statement according

to which Canada is governed and will be governed for many generations to come. Should an important statement be arrived at in such a hurry by so few people? I think no.

A third concern of mine is that the Accord entrenches executive federalism. All decisions regarding the Territories becoming provinces, the Senate, appointments by the Supreme Court, from what I can understand anyway, will be discussed only at First Ministers' Conferences. Changes must be made with the unanimous approval of all 10 provinces and the Prime Minister. It seems to me that the provinces have gained too much power in some of these federal issues. I cannot see how this entrenchment can affect positively Canadian unity which the Accord, we are told, is designed to promote.

I believe the Fathers of Confederations designed the BNA Act to favour the strong central Government. Perhaps if some mothers of Confederation had been involved and were consulted in 1867, we would not need to be at these hearings, right, Joe? Another disadvantage of the shift of power to the provinces, and what province would not take more power if it was offered, is that differentiated funding to the provinces could further contribute to disunity when shared-cost agreements such as medicare or child care are being negotiated. Now that is as I understand it and I might be wrong.

Some say a parallel Accord could be drawn up after this Accord is ratified to rectify the problem areas. Tell me, how is it going to be easier to arrive at a satisfactory Accord that way? More importantly, the Meech Lake Accord would still have hierarchical status in the laws of the land. It is too much to risk for those of us concerned about our rights to trust that a satisfactory parallel Accord can protect such rights. I appeal to politicians everywhere to make this Accord right the first time as it will be next to impossible to change it after its ratification. Reopening the Accord, as I see it, would only cause more disunity.

In summary then, I thank you for hearing my concerns. Please use your power to influence the Premier and other politicians everywhere to amend this present Accord before 1990 or draw up a new one. Although I have mentioned several concerns, I want to leave you with the clear message that the spirit of Nellie McClung is still living on in this area, and there are many of us who feel responsible to our foremothers who fought so hard for us to get the vote and to become persons under the law. We must insist that the equality of rights of women be guaranteed. Why is it so hard to amend the Meech Lake Accord to state clearly that the rights gained in Sections 15 and 28 of the Canadian Charter of Rights and Freedoms be paramount?

Mr. Chairman: Thank you very much, Mrs. Oldcorn. I might, if I may, just point out one slight error in your presentation.

Ms. Oldcorn: You may.

Mr. Chairman: That is that some of the other provinces did hold public hearings to which the public were invited

to make presentations. It would probably be fair to say that the most open forum, certainly the offer to hear everyone who wishes to speak, probably is confined to Manitoba and only to a slightly lesser degree to New Brunswick. Some of the provinces did not hold hearings, at all as you are probably aware. Just a small caveat to give credit to some of the sister provinces who did invite the public to appear. Mrs. Carstairs.

Mrs. Carstairs: Thank you very much. I would like to go back to the first page of your brief and ask the question that I think is critical to this whole process. You make the statement that I feel strongly that Quebec must be brought into the Constitution. Do you truly believe she is not in the Constitution without Meech Lake?

Ms. Oldcorn: No, I do not truly believe that but I am not prepared to get into all the intricacies. I also do not want to be identified with a group of people here, and I think it could happen in Manitoba that Manitoba is trying to be difficult about the French issue. I just want to be clear on that.

Mrs. Carstairs: Thank you.

Mr. Chairman: Other question to Ms. Oldcorn? Thanks very much, Ms. Oldcorn. I think if you could also give the petition to one of the staff on this side of the room, I would be grateful if you could do that. Thank you.

The last presenter scheduled this afternoon is Ms. Audrey Meyers. Is she here? Ms. Meyers, am I pronouncing your name correctly?

Ms. Audrey Meyers (Private Citizen): Meyers is the correct pronunciation.

Mr. Chairman: Thank you, and you are appearing as a private citizen.

Ms. Meyers: Yes, I am.

Mr. Chairman: Thank you. Please proceed.

Ms. Meyers: Thank you. What I have prepared is a cross, I guess, between what I imagine would be a formal brief and what I would say to you simply as a private citizen talking to you across the kitchen table. I have tried to outline an opening and an ending, or write out an opening and an ending and then simply make an outline of some of my concerns. I hope to be able to speak fairly fluently, despite the fact that we have such a large audience here.

* (1640)

What I have tried to target is more of a gut feeling about what it is like to be Canadian, what does that mean. So I have looked at the question of our having a vision of Canada or are we visionaries. So what is our vision of Canada? What do we imagine it to be? I think that is all that most Canadians can do because this is an abstract concept. We do not have the opportunity to travel back and forth across the country, so that we can physically see what Canada is all about.

So we can only create a picture in our minds of what this concept called "Canada" is all about.

The image that I have is of a vast community where there are so many different groups of people whose background, values, and interests are not the same as mine. I do not then presume to speak for people who are aboriginal peoples or disabled peoples. I would expect that they have a forum and a view to make as well as I do.

Despite these differences, we now have in the Charter of Rights and Freedoms the assurance that we have equal protection and equal benefit of the law without discrimination, and that the rights and freedoms that we do have are guaranteed equally to both men and women. What this community of different people needs is leaders who are visionaries. I imagine that there are some of those, just as there are visionaries in the ordinary population of people, people who can imagine this Canada but can also comprehend its parts. Those leaders must also demonstrate their faith in the people's ability to envision their Canada. That is what brings us here today, and I commend the Government of Manitoba for being among the visionaries to see a community of people with concerns about what kind of Canada we want.

My name is Audrey Meyers. I am a rural Manitoba resident. I am a teacher. I am a mother of three teenagers. I am a Canadian citizen concerned about what is happening to my Constitution and I want the political decision-makers to hear my voice.

The first point that I want to talk about is the purpose of the Accord and, as I see that purpose, it is to obtain a unit, unity that we will call Canada. That unit needs the agreement of all 11 parties. I welcome a situation where the Province of Quebec can see its way clear to sign the Constitution of Canada. The goal is admirable.

I also think that it is important then for all of us, regardless of where we live, whether it is in the Province of Quebec, or in the Yukon, or in the Province of Manitoba that we feel Canadian. We are part of that unity. I sense, however, that there are reasons for disunity that result from this document.

The first two points that I have highlighted, the process arriving at the Accord and now the process of ratification are perhaps water under the bridge. We certainly have had the Accord written, and I cannot change the fact that people in secret session decided to agree upon this document and, in my understanding, agreed that it shan't be changed. I simply mention that concern that if there are further constitutional changes that the process might reflect the fact that we are living in a democracy. I have questioned why are they so afraid of the democratic process. I am not suggesting that every one of the 11 who initially knew the agreement are only self-interested but I think, if they had the concern of all of Canada at heart, then the agreement would not have been so designed as to prevent any changes. I would welcome the fact that they might listen to any changes, for the process to produce the Accord gives me some concern.

The process of ratification now also gives me some concern. That even more I think is what violates the

idea of democracy and I do know that there have been public forums in other provinces. I do know that there have been provinces, I think British Columbia—I may stand corrected on this as well—Saskatchewan, who have not had public forums. I realize that Ontario had public hearings, and so did New Brunswick. Manitoba—to only Manitobans, as I understand, although New Brunswick's were open. But we must jealously guard this idea of a democracy.

I would think that if I lived in a country that was not recognized as a democracy, then the political decision-makers would not care what I thought. The essence of the democracy in my mind is that our decision-makers do care what I think. I would hope that they would listen and in some meaningful way make some changes because of what I think. Again, I too question the speed at which this process was done. Another element of a democracy, in my mind, is that it takes a long time. If I did not live in a democracy, I could see things just happen like that, and I would not know what was going to happen to me from one day to the next, because somebody made a decision that did not matter what I thought, and it was done quickly. But a democracy takes a long time to operate and, if it invites situations like this or statements from people like me that I hope will not go on for more than 20 minutes, it takes a long time. But here we have a situation where we sign by June of 1990, and I do not know what the "or else" might be. I am wondering if the "or else" means dollars, if the "or else" means slap on the wrist. If you do not get your signature on by 1990, I do wonder what is going to happen there.

I would like to also make an analogy with the Charter of Rights and Freedoms to which there were changes. I understand, for example, that there were Women and the Law presentations, and there were some 23 or 24 changes in the Charter of Rights and Freedoms because of what they said.

Thirdly, and probably the strongest of my objections concerns the failure to guarantee equality rights. We had to struggle in the early Eighties in order that there would be Sections 15 and 28 included in the Charter of Rights and Freedoms. The struggles were there and it seems to me we are now having to focus our energies into reopening those struggles. We have an Accord, and I also question—this is an aside, which I often do in my classroom with my kids—why it is called an Accord. As I see it, it is a constitutional amendment. It affects the basic fundamental law of the land. Accord connotes, it seems to me, something softer and something more acceptable, and I do wonder about that.

But the Charter of Rights and Freedoms is now, as I see it, potentially in conflict and I realize too that there are constitutional experts who differ on this point of view. There are lawyers who will argue one side or the other, but I see that there is a question. Some legal people, some constitutional experts say that there is a possibility of conflict between Sections 15 and 28 of the Charter of Rights and Freedoms and Section 16 of the Accord in which there are two specific groups of people who are guaranteed rights, multicultural and aboriginal rights. Clause 16 sets out this hierarchy of

rights. Because the two of them are mentioned, is the intent then to downplay the others or to give them less weight? The guarantees, in my mind, have to be stated.

We live in a country that is ruled by law, as I have said before. The rules have to be written down, and too often we forget that people have fought for the right to vote, the right to own property, the right to be recognized as equals in whatever field we want to work, and you know as well as I do that those rights are not yet fully implemented. When I see colleagues of mine on the average who will earn \$1, whereas I earn 67 cents or 68 cents, depending on whichever province I live in, then there are things in our society that have to be changed, and again I am talking about gut issues, I think.

* (1650)

So we have taken those rights for granted. We have to recognize that they are there. We cannot just pull ourselves up by the bootstraps and get elected to the House of Commons simply because I am a bright legal mind. There have been people who have fought long and hard to see women as quite acceptable representatives in the House of Commons or in the Legislative Assembly of Manitoba. We have to remember that.

If the drafters of this document did not intend to downplay the equality rights of women, and they are quick to guarantee that was not their intention, then why is it so difficult to make a simple statement of that guarantee? The requested guarantee then is that nothing in the Accord will affect in any way what is already stated in Section 15 and Section 28, Section 28 particularly, in the Charter of Rights and Freedoms.

I see also a threat to national social programs that might further be in the interests of Canadians to negotiate. I realize that we do now have the right of provinces to opt out of national programs and to set up their own but, when we have such statements as "compatible with national objectives," I find it hard to know what that means. Again, it takes away the idea of striving for equal access, I think. I referred earlier to it did not matter whether you lived in P.E.I. or Manitoba, that you would have that sense of being a Canadian and have access to those national programs. I am very interested in seeing the national child care program implemented. I find it very difficult to imagine how that will be negotiated.

Finally, a concern that I have noted here is the writing into this amendment the fact that there shall be First Ministers' Conferences. I am being a little bit facetious perhaps here, but I have taken their statement, their pride in being the modern Fathers of Confederation, assuming that role and speaking from time to time. I quote again, "With one Accord, and there shall be no change to that Accord if this same process is followed through. We shall simply bring it to the people and we will hear what they have to say." That will be the end of that. There will be further paper and further trees cut down in order to make more paper to write it on. That change shall impact on all of us as Canadians.

Finally, we live in a democracy, a country ruled by law. Two things, decision-makers care about what

people think. The rules are written down. Politicians who make changes to the fundamental law of the land have an obligation in my mind to listen to the people, respond in a meaningful way to the concerns that they have heard. They must recognize that what they have written down in this Accord is an amendment to the Canadian Constitution that threatens equality guarantees that were hard fought for and subsequently written into the Charter.

I urge Premier Filmon, all Members of the Manitoba Legislature, to unite in a non-partisan rejection of this flawed constitutional amendment.

Mr. Chairman: Ms. Meyers, I think I am going to start, if I may. When you say, "reject this flawed constitutional amendment," do you mean literally that, that one should simply cast it aside and start with a fresh piece of paper, or are you talking about some reworking of the existing proposal?

Ms. Meyers: I guess I mean what is there initially. I think we need to reject what is written down right now. Now that does not preclude the idea there can be changes, but I find it hard to know how that is going to come about because I realize that eight provinces have signed it already. Perhaps some of the quick signing was done so that other provinces then have to say, well, if they have signed it already, we cannot change anything. I would welcome dialogue with groups who know what they are talking about, constitutional experts perhaps, and meaningful listening to Canadian interest groups, and making some changes. I am not sure how that is going to work though with it being signed already. So reject it now, work with it now.

Mr. Chairman: If I may, just as an aside to you, what you are perhaps seeing is one of the fascinating aspects of the unanimity rule. The fact is that Manitoba and New Brunswick have the right to say no and so far have not said yes. So it is a rather interesting aspect of what unanimity can do for a small province perhaps, at least in this process, if not in the processes outlined in the Accord itself.

I had just one final thing, if I may, and that is—and let me, if I may, just play the devil's advocate role. Suppose I said to you—and I know I am treading where angels ought to fear, but I am going to go anyway—that there is now sufficient self-confidence in women's rights and dramatic progress in that area that there is no need to put in a non-derogation clause with regard to women's rights.

Let me just say to you that Clause 16, as I think you know, was really part of a deal between Meech and Langevin, the two stages of Meech, and it really was meant to reassure two special groups, the aboriginal people and it was meant to reassure a whole range of other folks who came under the multicultural banner. It was not felt necessary, it would seem, to reassure women in terms, as you put it, particularly in Clause 28. Do you feel that that reassurance is necessary in 1989?

Ms. Meyers: I indeed feel that it is necessary and I will mention maybe two quick points, and three before

I forget them. I feel it is necessary because you do analysis of what young women see as their goal. I do not know what the numbers are, but there are well over 50 percent of those young women polled who see their future as being carried off by some white knight, live in a fancy house and be well cared for, for the rest of their lives. Those figures are documented by studies that have been done of high school students who, I think it is some 68—do not quote me, please—60-some percent of these students do not see themselves as going on to have some meaningful, equal role to play in our Canadian society. So, yes, partly on that basis, I reject what you are saying.

Secondly, I also see some concern, and we realize it is a democratic process that has happened, but I referred to the fact that I think we tend to forget about those people who have struggled hard for acceptance of women in whatever field you want to look at, whether it is political decision-making, whether it is welding for the City of Winnipeg, whether it is a superintendent's position in whatever school division you want to address. The numbers are not there and I think we need to yet, in 1989, reassure people that the equal places exist. I do not think our society recognizes that they are yet.

Mr. Chairman: So there is a need to reaffirm in Meech, as reaffirmation is there for the aboriginal and multicultural aspects of the Charter?

Ms. Meyers: In my mind, yes.

Mr. Chairman: Thank you, Ms. Meyers.

I will start with Mrs. Carstairs and we go from there.

Mrs. Carstairs: Yes, I really do not have a question. I just have a point of clarification for you, and that is you made the comment in your presentation that Manitoba was only listening to Manitobans. I thought you should know that this is a two-stage process, that this Task Force has nothing to do with the resolution when it is addressed in the Manitoba Legislature. At that point, there would also have to be legislative public hearings and at that point there also would be the opportunity for those not from Manitoba to also come.

Ms. Meyers: You mean that I can give my ammunition again?

Mrs. Carstairs: You can come back again, if it makes you feel better.

Ms. Meyers: Good, good. I will maybe feel comfortable the next time.

Mr. Praznik: Mr. Chairperson, my question to Ms. Meyers—first of all, I would just like to say, Ms. Meyers, I quite enjoyed your presentation, particularly your first comments about the great diversity of our nation. I think for all of us in public life, when we are faced with issues of a constitutional nature, the most difficult thing is to appreciate those great differences in this country that stretch from one end of it to another and how in each part of the country we view the country often

differently, and it makes it a very difficult task. I certainly appreciate your recognition of that and thank you for those comments today.

My question to you is one actually of clarification. It concerns your statement with respect to national social programs. One of the dilemmas that is faced, or one of the provisions of Meech Lake is the opting out of national programs with funding continuing to the province if they have a provincial program. I was interested—are you aware that was for only national programs in areas of provincial jurisdiction?

Ms. Meyers: Yes.

Mr. Praznik: My question to you is, because you have obviously been through the national child care program and have been following that and seen the difficulties in negotiating those kind of agreements, would you propose to this committee that it look at some mechanism, the federal Government could come in and provide a program in an area of provincial jurisdiction without the consent of the province?

Ms. Meyers: I do not think that I will get into that whole can of worms where there is federal authority stepping on the toes of provinces, because I think provincial politicians would react very violently to that move. I think we are in the interests, whether it is federal-provincial concern or authority, whichever section it falls under, we all have the concern of our Canadian children at heart. I think again there can be cooperation, negotiation. All I am concerned about is that there is access and that it does not matter what province you live in as to what kind of program the children of our country are provided with.

Mr. Chairman: Any other questions? Thank you very much, Ms. Meyers.

Ms. Meyers: Thank you for your time.

Ladies and gentlemen, we are going to adjourn now until 7 p.m., and we will be reconvening in the gymnasium of the school. Thank you very much.

RECESS

• (1900)

Mr. Chairman: Welcome to our second public hearing in the beautiful Town of Winkler, the Manitoba Task Force on Meech Lake.

It is my pleasure to introduce the members of the task force to you. On your far right is Mr. Darren Praznik, the Member of the Legislature for Lac du Bonnet. Next to him, Mr. Jim Carr, the Deputy Leader of the Liberal Party and the Member of the Legislature for Fort Rouge. On my immediate left, your right, the Honourable Jim McCrae, who is the Attorney General of Manitoba and other portfolios and the Member of the Legislature for Brandon West. On your immediate left, Mrs. Sharon Carstairs, the Leader of the Liberal Party in Manitoba and the Member of the Legislature for River Heights. Next to her and sitting in tonight for Mr. Doer, the

Leader of the New Democratic Party, is Mr. Bill Uruski, the Member of the Legislature for Interlake. Finally, at the end of the table, but by no means least, Mrs. Gerrie Hammond, the Member of the Legislature for Kirkfield Park. And I am Wally Fox-Decent, the seventh person of the Task Force and the Chair.

Ladies and gentlemen, we are here tonight to hear the views of those who have indicated that they would like to speak to the Task Force. The rules are 20 minutes per person. The bell will ring after 15 minutes. That indicates that you have five left. Then a double ring of the bell suggests that your time is up, after which there will be 10-minute period for questions from Members of the Task Force. We are absolutely delighted so many of you have come out this evening to be part of the proceedings as listeners or presenters.

Right now, I would like to call on our first presenter this evening, Mr. John Wiens. We have your written brief, sir, thank you. Are you ready, Mr. Wiens? Would you lean right into that microphone, sir? It is not the best sound system in the world.

Mr. John Wiens (Private Citizen): I will attempt to do that. Mr. Chairman and Members of the board, I, with many Manitobans, am pleased to express my appreciation to Premier Gary Filmon and his Government for appointing this board. It also pleases us that you have made the thoughtful gesture of coming to home turf to hear our views on Meech Lake Accord.

I do not purport to understand the Accord and all its ramifications, but I would like to comment on two points: first, how I feel the clause "distinct society" will affect us and, second, a few ideas on the need for Senate reform.

The Charter of Rights and Freedoms as adopted by our Government in 1982 has a clause on equality which reads in part: "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination." Now, if we entrench a "distinct society" clause of the Meech Lake Accord, which is intended to give privileges to Quebec citizens, we are not only breaching the above-mentioned clause of the Charter of Rights but we are also breaking the spirit of democracy. Let me make it clear, it is not my intention to be anti-French. I believe millions of Canadians fully respect the use of French language in Quebec and want to accommodate Quebec's aspirations within the stronger Canada. It is also a fact that tens of thousands of Canadians are encouraging their children to learn French as a second language, but deplore the recent unfair decision against the English minority in Quebec. The decision is also inconsistent with the Charter's intention.

• (1910)

More and more, it is becoming clear that the Prime Minister Mulroney would like his vision of Canada placed beyond the reach of Parliament. He is not prepared to leave the decision on the Constitution to future Parliaments. He wants to entrench his vision of Canada beyond the democratic process. A Constitution is too precious a document to be radically changed during an overnight session of exhausted politicians.

The following article by Duncan Fraser under the caption, "The supreme irony of the case has escaped comment," appeared in the December 28 issue of the Halifax Chronicle-Herald and reads in part: "The irony is that, although Quebec abstained from the Charter of Rights and Freedoms of 1982, it has now used the notwithstanding clause of that Charter to argue and partially win its argument for a special place for the French language in Quebec. It would seem that, having invoked one section of the Charter, Premier Robert Bourassa has ipso facto accepted the Charter that Quebec found repugnant and unacceptable in 1982."

I am still quoting: "This whole Meech Lake deal is promoted as essential to bring Quebec back into the Canadian family constitutionally, but the fact that Mr. Bourassa used the notwithstanding clause of the Charter of Rights to override the Supreme Court decision proves that Quebec is, always has been, very much within the constitutional family. The Charter was approved by the federal and nine Governments, nine provincial Governments, and signed by our Queen. It did not require unanimous endorsement in the first place. Also, if Quebec without Meech Lake is not within our constitutional family, why did Mr. Bourassa appeal to the Supreme Court, the federal Supreme Court of Canada, thereby admitting its constitutional authority over Quebec?"

This reveals the fraudulence of Mr. Mulroney's claim respecting the need and urgency of Meech Lake to save the unity of Canada."

My second point, we expect fairness and balance in our Government representation when they make critical decisions, and this brings me to the issue of Senate reform. For 122 years, since Confederation, all major decisions of Government, both Conservatives and Liberal have been in deference to central Canada.

There are several countries that have Senates which are meant to serve as a balance of Government for low populated regions and distant regions. These countries, in order to ensure more fairness in legislation, have wisely included a Senate in their constitution, not a political chosen Senate, an elected Senate without allegiance to the Party in power.

Now I would like to quote Fred McGuinness of the Brandon Sun: "Why do I want an elected Senate? Because without one, I can tell you how the major decisions are going to go in the future. Ottawa will always put central Canada first. Let us take a look at a pair of major indignities heaped upon the Prairies in recent years, the National Energy Program, CF-18 fiasco."

Consider with care what Canadian West Foundation said about these celebrated cases in one of its research papers: "As it happens, the two decisions were made by two different Governments, by two different Prime Ministers, by Parliaments dominated by two different national Parties. In the case of the first, almost all the western MPs sat on the Opposition benches. In the case of the second, most of the western MPs sat on the Government benches. But in the final analysis, none of it made any difference—Mulroney or Trudeau, Conservative or Liberal, large western caucuses on the Government side or the Opposition side."

I continue to quote, "There is no assurance that Ontario and Quebec will ever consent to a Senate with an equal number of members from every province, but this should be our first choice. One thing that is certain, however, is that you're hallucinating if you think Quebec will ever consent to a Triple E Senate once that province is proclaimed 'distinct.'"

We Westerners and Northerners should make no apologies for advancing our regional interests and the interests of our families. We should make no apologies for protecting our interests. We should fiercely oppose the Meech Lake Accord for creating special status for Quebec and denying fair play to other interests. We should press for economic and political justice in Canada for Canada.

Those who would see us Westerners and Northern Canadians as anti-French, bigoted rednecks or right-wing extremists, should look to their own motives and consider Rene Levesque's words. I quote: "I am a nationalist, if that means being for oneself, fiercely for or against something or against a given situation, but never against someone." Westerners too are fiercely against political and economic injustice but we too are not against people.

If it were not so grave, we might find the lofty phrasing in the preamble of the Meech Lake amendment to be a hilarious piece of irony. It states that the agreement is meant, "to recognize the principle of equality of all provinces." In the light of the truth, that is exposed as hollow sanctimoniousness. I suggest it should read, "entrench the rule of inequality."

What will be the inevitable result if the Meech Lake Accord becomes a part of our Constitution? The prospect should be frightening for anyone who lives outside of central Canada. First, we will never get a Triple E Senate and central Canada will continue to maintain a disproportionately larger share of control in our country.

My family, parents and three children, came to this country in 1926. They came where they hoped to find freedom and opportunity, to be Canadians, to help build a country. All we want, all we have ever wanted is fairness and equality. Our family has found this to be a nation of generous and gracious people. My presence here is not mainly for my own ends. It is for the future of my own children and grandchildren. My fear is this, that Meech Lake will not serve the best interests of all Canadians in the future. It is for this reason alone that I oppose it.

Thank you very much for the time, Sir.

Mr. Chairman: Thank you, Mr. Wiens. Questions from the Task Force? Mr. Praznik.

Mr. Praznik: Mr. Wiens, just a question of clarification on your comments about the Senate, I notice you stress or make the point that it is important to have a Senate that does not have an allegiance to the Party in power in order to represent regional interests. I am just wondering if you could elaborate on how you would envision that Senate structure that would be able to fulfill that particular requirement.

Mr. Wiens: The only way I could envision that would be that we would have equal numbers from every province, and they would be elected in order to get a balance of power in there.

Mr. Praznik: Again, the difficulty of course is if you have the same Party in power in the House of Commons, elected, as your brief indicates, from central Canada, and you have the same Party in the Senate, you would feel that equal representation would be enough to balance the interests of the regions? I just wanted to clarify that point. It is a difficult question.

Mr. Wiens: I can only visualize that our representative, who has no allegiance to Party politics, being in Ottawa, who would represent us and not be responsible to a Party in power, I could visualize that as being something that I could vote for.

Mr. Praznik: I appreciate your comments. Thank you.

Mr. Chairman: Other questions? Mr. Uruski.

* (1920)

Mr. Bill Uruski (Interlake): Just one question, Mr. Wiens, to follow up on Mr. Praznik's question, what authority would you give the Senate as a follow-up to the kind of representation that I think we all would like to see more power? What kind of power authority would you give those senators? Would you give them powers, in effect, to veto actions of the House of Commons, or other powers over spending and the like to try and equate the inequality that the Westerners and other Canadians from outside of central Canada have really seen in terms of, as you pointed out, the CF-18 and the Energy Program in your comments? How would that evolve? How do you see that evolving?

Mr. Wiens: I could see it causing quite a stir for a Party in power as when they hit the Senate that they would have to take that in consideration that there is a possibility the central body would not have that power to just do anything. They would be very cautious about their moves and that is all I really want. Somebody has to have some caution in there right now. I think the far East and the West is getting left out, and I hope someday to have that changed.

Mr. Chairman: Any other questions to Mr. Wiens? Thank you very much, sir.

The next presenter, Ms. Mona Brown, representing the Manitoba Association of Women and Law. Ms. Brown here? The next on the list has withdrawn, which brings us to Mr. Roger Armbruster. Mr. Armbruster here?

Mr. Allan Hopkins? You are shown as private citizen, sir. Is that the capacity in which you appear?

Mr. Allan Hopkins (Private Citizen): That is right.

Mr. Chairman: Thank you.

Mr. Hopkins: I am not used to speaking in front of people. I only have a few things to say, and that is I

believe Premier Bourassa made second-class citizens out of all Canadians except the Quebecers. Even the French people in the rest of the country, they are considered as second-class citizens. They have no way to vote for him so he does not care, and I still think that the Premiers, the other nine Premiers in Canada, when they actually wake up and put Bill 101 into English and use a notwithstanding clause, then we will all be equal again.

I do not understand how Mulroney, the Prime Minister, can have the Supreme Court come down with a ruling and then have a Premier not abide by it. To me, that is not freedom any more, you know what I mean.

I would like to ask Mrs. Carstairs a question, if I could. If you were in power, would you put in that 101 or what? I would just like to know if you would put that 101 in—

Mr. Chairman: Is that the end of your presentation, sir, because I would like you to finish it because—

Mr. Hopkins: Yes. I would just like to know if she would do it if she was in power.

Mr. Chairman: Would you perhaps like to ask it of the other two Parties as well so we get an answer from each?

Mr. Hopkins: I would like to—well, Gary Filmon is not here.

Mr. Chairman: Well, Mr. McCrae would answer—

Mr. Hopkins: I do not think he could answer for Mr. Filmon, could you? Well, I was asking Mrs. Carstairs but it does not matter—whichever Premier would do it would be the ideal thing—if they would put Bill 101 into English and use a notwithstanding clause to get the country on foot again.

Mrs. Carstairs: If I can answer that question, it is not quite as simple as that. Bill 101 is an Act of the Quebec Legislature. It is not a federal Act, it is a provincial Act.

Mr. Hopkins: Well, that is what I am saying. Can we not put in a provincial Act and do the same thing?

Mrs. Carstairs: You mean a Bill 101 in Manitoba which would—

Mr. Hopkins: Across the whole country, if they could, but I mean I know each Premier is on his own.

Mrs. Carstairs: All right, so you are suggesting a Bill 101 which would prohibit the use of French in the Province of Manitoba? No.

Mr. Hopkins: Exactly, and stop writing all these different laws in French which is costing all the provinces millions of dollars which they actually cannot afford.

Mrs. Carstairs: I have to tell you, Sir, that I happen to believe that provinces should obey the Supreme Court of Canada. The Supreme Court of Canada gave

us a ruling in the Province of Manitoba. We have abided by that ruling and I wish Mr. Bourassa would follow suit.

Mr. Hopkins: Well, this is what I mean but, when he does not, cannot the other Premiers follow suit like he did? You know what I am trying to say and have it back up on him, because he has all the rest of Canada just torn apart in a sense.

Mrs. Carstairs: Sir, two wrongs do not make a right and hopefully, by our good example, we will show Mr. Bourassa how to act in the future.

Mr. Hopkins: Yes, the only thing is though, if you let it go, it will not happen. That is all I have to say. Thank you.

Mr. Chairman: I understand Mr. Armbruster has arrived.

Mr. Edmondson, are you here, sir? Mr. Edmondson.

Mr. Mark Edmondson (Private Citizen): Mr. Chairman—

Mr. Chairman: You are Mr. Edmondson, sir?

Mr. Edmondson: Yes.

Mr. Chairman: Thank you.

Mr. Edmondson: I have to sit down here, I guess.

Mr. Chairman: Please do.

Mr. Edmondson: Mr. Chairman, board, ladies and gentlemen, I did not really prepare a speech, but I will try to take it off the top here. I think most of my hang-ups with Meech Lake have already been reviewed. There is one thing that I am quite concerned about, and that is the country of Canada as a whole and the writing of a Constitution that we can all live by. This is the No. 1 importance to everyone, I believe, who wants to be a Canadian.

We have this hang-up that I think affects us all in the manner of writing a Constitution, and that is the shrinking of this world and we are so governed by what is happening and the hang-up is all on the monetary. The monetary in my eyes has no borders. We cannot govern without some control of our monies and it will take every one of us to solve this. I cannot have all the answers. I do not have all the answers and I would not mind helping try and solve this problem. But if we just went right out and said, hey, Canada will have its own money, we will trade because money is trade, we will trade with a no-credit or no-deficit clause, which we still can with modern technology. But if we have done that, we might find ourselves in a position of a so-called thing of World War III. I do not think other nations will submit to this, so we really have a problem. That seems to be the problem every time you turn the radio, TV, read the paper, or talk to the neighbour. It is money, money, money and it governs the Governments. Thank you, that is all I have to say.

Mr. Chairman: Thank you, sir. Do you want to wait a moment in case there might be a question?

Mr. Edmondson: Yes.

Mr. Chairman: Any questions from the Members of the Task Force? Thank you very much, sir.

Now I am told that the famous Mr. Armbruster has arrived. Is Mr. Armbruster here? Hurray! Sir, I have you shown as a private citizen, is that correct?

• (1930)

Mr. Roger Armbruster (Private Citizen): Yes. I thank you very much, Mr. Chairman, I apologize for being somewhat delayed. I understood originally my schedule or time was to be at nine o'clock, but I guess the schedule has been sped up a bit. I would like to thank you for this opportunity to address you and the Members of the provincial Legislature and to the ladies and gentlemen here. I thank you for this opportunity to express my views on the vital subject of the Meech Lake Accord, which is an important document for all Canadians.

I speak as one who is not a member of any political Party but as one who is interested in truth, and what would be in the best interest of all Canadians of all political persuasions. I choose to believe, Mr. Chairman, that this evening I am talking to Members who still have an open mind on this subject and who, in their hearts, want to do what is in the best interests of all of us.

It has been my hope that amid all the emotionalism and fears being expressed by those who want to see every jot and tittle of this Accord to their own personal liking, before they consider the larger picture of how their position will affect Canada as a whole, that somehow together we will begin to fit all arguments, both pro and con, into the broader picture of what will be good for Canada and not just think with narrow and limited vision in terms of ourselves alone. We absolutely must face the reality that in today's world none of us can survive or maintain our present standard of living without a higher degree of cooperation, goodwill and learning, to stand together as we consciously seek to understand one another.

What has made Canada a respected nation among people in Third World countries and in other nations of the world is the fact that Canadians are known to move in toleration and respect for one another's differences, and to move in moderation and restraint when it comes to dealing with people whose views may differ from our own. Now we face the challenge wherein all of the toleration and moderation that we have ever exercised in the past, is being tested to see how badly we want to see one nation of Canada remain and to what degree we are willing to see our own regional interests, in the light of the larger interests of Canada as a whole.

Let us never lose sight of the fact that in recognizing Quebec as a "distinct society," we are simply acknowledging that most French-speaking Canadians

live in Quebec and that, therefore, comprises Quebec as a society distinct from the rest of Canada.

Having recognized this self-evident fact, the Meech Lake Accord clearly and specifically affirms the equality of all provinces, and it moves in the direction of decentralizing power by giving greater autonomy to all provinces in certain key areas, and yet it promotes the national interest by bringing all regions and provinces of Canada into the federal Constitution.

I am shocked at some of the presentations that have been made in opposition to this Accord, which seem to pay little or no regard for the difficulties facing any Government or any political Party in drafting a constitutional amendment that could bring all 10 provinces into the constitutional framework. I am also appalled by narrow-minded bickering over issues that this particular amendment was never intended to address. I say, Mr. Chairman, is it not true that almost all opposition to the Meech Lake Constitution amendment of 1987 tends to treat Meech Lake as if it is the final word and the end of all constitutional reform in Canada. Let us come and let us be reasonable, rational human beings and let us cease and desist from treating Meech Lake as if it were the final word on all issues.

We have somehow lost sight of the fact that Meech Lake is but one important step in constitutional change that was not intended to resolve all issues in one giant leap. Indeed, the very process for further change and improvement has been written right into this very amendment, which can continue to address those very issues that the opponents of this Accord want to resolve now, before all 10 provinces are flowing together as members of the same constitutional family.

The specific intent of this particular round of constitutional reform was only to address those specific and limited number of issues which are designed to convince Quebec to rejoin the Canadian constitutional family and, thereby, to unblock and unclog the process of further constitutional change.

So instead of putting our cart before our horse, let us put our heart before our course, and deal with the issue at hand before we deal with the other issues which must be resolved further down the course.

The current issue for those of us within the Province of Manitoba to resolve is this: Are we, in the Province of Manitoba, going to accept Quebec into the constitutional framework or are we going to insist on further changes or amendments as a prerequisite to accepting Quebec?

Let us never lose sight of the fact that the focal point of the current round of discussions centres around whether we believe that getting Quebec into our constitutional framework is important enough to us that we will now exercise acceptance and toleration in the spirit of Canadian federalism, recognizing that it is in cooperation that our own best interests are served, and that the world is so ordered that every person in it is inextricably bound up with the welfare of every other person.

I firmly believe, Mr. Chairman, that those who oppose this Accord in this province have a clear responsibility

to tell all Manitobans whether or not they believe in the vision of one Canada from sea to sea. They have a responsibility to say whether they will oppose this Accord all the way, even if their opposition leads to the deepening of the alienation and mistrust in Canada as a whole, and possibly to the break-up of Canada as we have known it over the past 122 years.

I am absolutely baffled and nonplussed as to why, during the recent federal election campaign, we heard so much talk and fearmongering about the saving of the identity of Canada as a nation, particularly as it pertained to the free trade issue. Do we realize that the future identity of Canada as one nation is jeopardized every bit as much or more if the regions within Canada itself do not become reconciled and flow together as one constitutional family?

Why is there now so little concern being expressed about preserving the identity of Canada, which will very much be threatened if we feed the fires of separatism in Quebec and in western Canada?

I know that there are separatist and regional Parties in western Canada as well as in Quebec who would not mind at all seeing Canada disintegrate or become further alienated in spirit and attitude. It is quite another thing, however, and it requires a larger heart and a broader mind to believe in Canada as a whole.

I would respectfully declare to you, Mr. Chairman, that it does not take a statesman at all to run a Party that advocates only the interests of one region of Canada. Any politician can gain short-term popularity in one region by advocating exclusively the interests of that region. However, any society that seeks to preserve itself by negatively attacking other societies will not long endure, because those negative forces in that society will soon start to turn on each other. This is why the duration of all separatist Parties in the West in the past has been short-lived. The proponents of those Parties could not agree on what they were for; they could only agree on what they were against. You can never build any society on negativism.

We deceive ourselves if we begin to suggest that the long-term interests of one region of Canada can be served independent from or in isolation from the other regions of Canada. We deceive ourselves if we say that we do not need Quebec or, if they want to go their own way, good riddance. This attitude may not be openly spoken in western Canada to the same degree that it is there in heart and attitude, but I assure you that it is there and this is an attitude that we must deal with in ourselves.

I assure you that our own quality of life and standard of living will be adversely effected the more the different regions of Canada succumb to the temptation to work against one another rather than for one another. We delude ourselves if we think that we can serve our own best interests independent of the interests of other regions of Canada. Yet, at a time when our nation should be united in the direction of greater co-operation and working together within the framework of our Constitution, which is so basic to Manitoba's own interests, we find that our society is conflict-ridden. Disagreement is all right as long as it does not lead

to alienation and a cutting of ourselves off from one another. Alienation never builds, it destroys. There must be a coming together in the national interest. A nation divided against itself cannot stand.

I believe that Mr. Bourassa is doing his very best to communicate and strengthen relationships with the rest of Canada while also being responsible to govern a province that is not secure in its identity. Should this lack of security in Quebec which is reflected in such things as Bill 101 cause us to feel threatened or insecure in our own identity as English-speaking Canadians?

Dr. M. Scott Peck, in his best-seller, "People of the Lie: The Hope for Healing Human Evil," noted that conflict was evil and was generated by people attacking others rather than facing their own failures. Is it not true, Mr. Chairman, that at least some of the opposition to the Meech Lake Accord in western Canada is due to the fact that we see in Quebec a reflection of some of the insecurities that are in our own hearts?

Even as parents we know that what bugs us most in our children is when we see ourselves in them, and it is always easier to attack others than to deal with our own attitude. It is easier to attack the federal Government and to attack the Premier of Quebec than it is to seek to understand why they function as they do, and to seek greater understanding with people from different cultures than ours.

What this nation needs far more than a change in the wording of our Constitution is a change of attitude, a change of spirit from one of cynicism, suspicion and mistrust to one of good will and a sense of togetherness in the human family.

Today, selfishness, pettiness and conflict have priority over harmony and good will and a short-term view takes precedence over the long-term view. Someone has said that some politicians think only of the next election but a statesman will think of the next generation.

Any politician can make short-term gains by appealing to the narrower, partisan, regional interests, but what about the next generation if we leave them a legacy of strife, bitterness, conflict, isolationism, refusal to respect our differences with others?

The question remains to be answered by those who oppose the Meech Lake Accord. Do you believe in the vision of one Canada from sea to sea? If you do, you have the responsibility to reveal how far you will go in opposing Meech Lake if it is not passed before June of 1990 within our provincial Legislature, like eight other Legislatures of Canada, as well as our federal Parliament have already done. You have a responsibility to explain why what was good enough for the rest of Canada was not good enough for Manitoba. You also have a responsibility to explain how you would deal with a sense of personal rejection and hurt that would be felt in other regions of Canada. There is no point in playing games here. Does any realistic Manitoban seriously think that there is, at this point, any possibility of getting further changes to this present round of constitutional discussions when it has already been passed by eight of the provincial Legislatures in Canada, as well as by our federal Parliament, with the support

of all three federal Parties, Parties with which every Member of this committee is affiliated?

* (1940)

Rarely have we seen, in this nation of Canada, have we achieved this degree of harmony and cooperation on any single issue in our past. For Manitoba to act as the spoiler now, after our duly elected Premier of the time has already signed this Accord, would not only be to turn the clock backwards for all Canadians, but it would also certainly make Manitoba the object of much contempt and derision throughout the rest of Canada, much to the detriment of our long-term interests.

The fact of the matter is, Mr. Chairman, that those who are opposing this Accord are only gaining short-term popularity because they are appealing to the lower side of human nature, the cynical side, the mistrusting side, the pessimistic side. What they are failing to come to grips with in the long-term is that you cannot build any society on the basis of cynicism, mistrust and pessimism. You cannot even build a society upon a Constitution where everybody has everything to his or her immediate liking. To build a society constructively, we must move forward into the future with that intangible substance called faith, faith in ourselves, faith in others and faith in God. Only then will we have a foundation for true security, which cannot be found in the legal wording of a Constitution alone.

Almost all the arguments that oppose Meech Lake are based on the premise that it is the Government that must guarantee the rights of all interest groups and minority groups in our society. May I respectfully suggest, Mr. Chairman, that this is a false premise. Earlier men taught all men are created free and equal and that they are endowed by their Creator with certain inalienable rights. In addition to this basic and self-evident fact, the preamble to our own present Canadian Charter of Rights and Freedoms states, "That whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law."

Our founding fathers had the vision of Canada as one nation under God from sea to sea, and they chose as the motto of this nation that, "He shall have dominion from sea even unto sea," based on Psalm 72:8. They saw Canada as one nation under God from sea to sea, from coast to coast, from East to West. Our forefathers paid a great price to see that dream realized.

Let every opponent of Meech Lake answer this question: "Do our rights as individuals come from the Government or from God?" We find ourselves fast developing into a society whereby people are looking to the Government to deliver more than it is capable of without a change of heart and attitude, without a greater dependence on God and less dependence on big Government as the object of our trust and expectations. We grumble and complain every time the federal Government gives a contract to Quebec but we hear few, if any, expressions of appreciation for the billions of dollars that our federal Government has invested to subsidize our farmers in western Canada over the past several years.

The fact of the matter is we are becoming an ungrateful, unthankful society when the truth is that we, who live in western Canada, have been blessed to live in one of the most fortunate areas or regions on the entire planet of Earth. Yet why do we so quickly magnify what is wrong and actually start to believe we have been treated the most unfairly, when we should be counting our blessings and be grateful we live in a nation like Canada, whereby our Governments, within their limited resources, are seeking to move in the public interest in the best way they know how?

In the last analysis, we know that the line between good and evil is not a line which can be drawn between the French and the English. It is not a line which can be drawn between Manitoba and the rest of Canada. It is not a line that can be drawn between the various political Parties in the various levels of Government. The line between good and evil is a line which must be drawn within the hearts of each and every one of us. Within each one of us there is the potential for good, and there is also the potential for evil. This is something which no Government laws and no Government Constitution can by itself change, and that is the heart of man.

In the final analysis, whether you are a white man or Indian, French or English, male or female, the Government cannot give you something you already have, by virtue of the fact that you are a creature created in the image and likeness of God.

So we might say, what do we do or what do we need the Meech Lake Accord for if these truths should already be self-evident to honourable men of good will who fear God and believe in justice? I believe that what we all must recognize, quite beyond the wording of the Meech Lake Accord, is the spirit, the intent, the desire behind it. Canada is a land where respect in each other's differences has made it possible to work together in building a strong nation. It is this motivation of wanting to work together and bringing all provinces onside to discuss further constitutional change which is the spirit of the constitution amendment of 1987. The intent must not be misjudged. The intent is to bring Quebec into the constitutional framework for the present so that we can unblock the process of further constitutional change for the future within a climate of mutual respect, trust and good will. Is this not the spirit, the intent, the motive, the desire that we all share? I believe that it is.

I urge the Members of this committee to consider with an open mind what I have shared and to consider diligently what kind of a Canada we want to leave to our children and what will be the long-term effects of our decision. I pray that we will leave to our children a legacy of respect for all peoples and a climate in which they can work together in peace and harmony, rather than a legacy of increasing alienation to strife and bitterness. As we sing in our national anthem, may God keep our land glorious and free, and together as Canadians may we stand together and understand together, and together let us not stand on guard against one another, but together let us stand on guard for the whole of Canada.

Thank you and God bless you all.

Mr. Chairman: Thank you, Mr. Armbruster. You are prepared to take questions, sir? Mrs. Carstairs.

Mrs. Carstairs: Mr. Armbruster, in your opening paragraph, you talked about Canada as a "distinct society," or as Quebec as being a "distinct society" is a self-evident fact. As you know, throughout the presentations that we have had in the last two days of hearings, as well as statements made by a number of constitutional lawyers, there seems to be some disagreement as to whether this is strictly a recognition of historic fact or whether indeed it gives additional powers to the Province of Quebec.

Would you be prepared to see the "distinct society" clause go as a reference case to the Supreme Court of Canada so that the supreme Court could say clearly whether it gave additional powers or whether it did not?

Mr. Armbruster: I would certainly have no objection to that. From my point, I think, what is needed—I do not read anything into the wording of this agreement other than it recognizes that being a fact that the majority of English-speaking peoples in Canada live outside of Quebec, and a majority of French-speaking peoples live inside Quebec, but this is what constitutes Quebec as a "distinct society." I realize that there is an element of faith involved. You cannot enter into relationships without trust and I see no reason to move into suspicion that it means anything other than that, but I would certainly have no objection to having this tested in the Supreme Court of Canada.

Mrs. Carstairs: One further supplementary.

Mr. Chairman: Yes, go ahead.

Mrs. Carstairs: So you do not believe that the injunction really, injunction to Quebec to promote its "distinct society," in any way threatens the Charter of Rights and Freedoms?

Mr. Armbruster: No.

Mrs. Carstairs: Thank you.

Mr. Chairman: Any other questions? Thank you very much, sir. Could you leave your text with one of the staff? Is that possible? It would assist the Hansard staff.

I understand that Ms. Mona Brown has arrived. She is representing the Manitoba Association of Women and The Law. Ms. Brown, we are ready. I wonder if we might just ask the media to move outside if you are going to do some interviewing. That would be appreciated, thank you. You recognize the 20-minute time limit. You will hear a bell after 15 and after 20 you turn into an elegant pumpkin or something. Please go ahead.

* (1950)

Ms. Mona Brown (Manitoba Association of Women and Law): Good evening. My name is Mona Brown

and I am a practising lawyer in Carman, Manitoba. I am a partner in a law firm there and I have been practising for 10 years. I am presenting this brief today on behalf of the Manitoba Association of Women and the Law.

I am co-chairperson of that association. I am the lawyer co-chair. We also have a student co-chair at the university. I apologize for being late. I was told eight o'clock, so I did not think I was late, but I gather perhaps I am.

The Manitoba Association of Women and the Law is an organization formed in 1974 to research, promote and educate on legal issues as they affect Manitoba women. Our membership is primarily lawyers, law students and related professionals. MAWL is one of over 24 caucuses of the National Association of Women and the Law, and NAWL did submit a brief to the Meech Lake Special Joint Committee hearings in Ottawa in July of 1987. Both the National and the Manitoba Associations were actively involved in the 1981 public hearings on the Canadian Charter of Rights and Freedoms. I sat on the national executive at that time and appeared at the Joint Senate hearings on the Charter in Ottawa. Many of the final amendments to the Charter, including Section 15, right to equal protection and benefit of the law, and Section 28, prohibition against discrimination on the basis of sex, were included as a result of a considerable women's lobby effort in which NAWL and MAWL were very involved. The final draft of the Charter had some 23 recommendations accepted from the National Association of Women and the Law.

Women of Canada were pleased in 1982 that they were listened to, that their concerns were addressed and that amendments to the Charter to guarantee them equality were given. MAWL has actively supported the Charter of Rights Coalition (Manitoba) and the Legal Education and Action Fund, which both strive to promote women's rights under the Charter.

The importance of constitutional guarantees of equality was recognized by women's groups, including MAWL, in 1981-82 and continues to be recognized today in our opposition to the Meech Lake Accord as presently drafted.

MAWL has a number of objections to the proposed Accord, the first being the process. Canadians were not consulted before the Accord was signed on June 3, '87. The Meech Lake agreement was reached by 11 male First Ministers in secret session only a month earlier, with no consultation from the public or public interest groups. The Premiers were physically closeted in a room to hammer out an agreement. This style of negotiation may work in labour relations, but is no way to discuss a radical alteration to our most fundamental and highest law of our nation, our Constitution. When the final text was released, the same 11 Ministers said that their Legislatures had to pass it unchanged, unaltered. This is a denial of our democratic rights of all Canadians to participate in developing the future of our country. In particular, women, Natives and northern Canadians were left out.

MAWL does not accept that the only solution is to pass the Accord in its unaltered form. To do so would

make a mockery of the Manitoba Legislature and the rights of Manitobans and Canadians. The Manitoba Association of Women and the Law congratulates the Government on these public hearings where groups and individuals have a right to voice their concerns. MAWL reminds the Government of its commitment to hearings after second reading if an amended version of the Accord is ever introduced into the Manitoba Legislature. Only in New Brunswick and Manitoba have the public had a right to be heard. This is something Manitoba can be proud of and I am proud to be part of this process tonight.

The guarantees of equality that women of Canada fought to have entrenched in our Charter in '82 are in MAWL's view seriously jeopardized by the proposed Meech Lake Accord. It is well recognized that Canadian and Manitoba women have not yet achieved equality. The federal Government has recognized this in its 1984 Throne Speech and has also reaffirmed it in a number of other commitments to Parliament and statements that have been made in Parliament, and I cite some of those on page 3 of our brief.

To read one quote, "We have heard evidence which confirms that women have not yet achieved equality, that serious barriers remain, and that new areas of need are emerging."

In 1982, the Charter guarantees were not just words on paper. The Government of Canada, both federal and provincial, must in every action, especially in constitutional areas, consider both the potential negative impact on women's equality and the potential for positive action they could take to make the goal of women's equality realizable. Equal protection and equal benefit of the law, and equal benefit would start up by my organization.

A recent report released by the National Association of Women and the Law, and the Manitoba Association analyzes the treatment of women in our court system. "Gender Equality in the Canadian Courts" suggests we cannot always rely on the judiciary and the court system to protect women's rights. It is necessary that the Charter guarantees be specifically adopted in the Accord. They are not and this to us is unacceptable.

I will now go into the concerns we have with respect to the specifics of the Accord. Clause 16 of the Accord presently identifies only two Charter provisions which qualify Clause 1, the "distinct society" clause. Clause 16 attempts to protect aboriginal and multicultural rights—a laudable goal. However, legal interpretation rules suggest, to use a Latin phrase, "expressio unius exclusio alterius." If you mention expressly one or two items of a list, then by implication it is your intention to exclude the others. Based on this principle, since the Accord protects only multicultural and aboriginal rights, we may assume that it was intended either not to protect other rights, such as equality rights, disabled rights, the rights of the aged, at all, or perhaps relegate them to rights of a second or third place. Our legal opinions suggest the courts will rule that way.

The second reason we are concerned that women's Charter rights are endangered is the mention in Clause 3 that the Charter applies to immigration agreements,

again the same Latin principle. If you specifically suggest that it applies in immigration agreements and you do not say so in the balance of the agreement, it will automatically be interpreted to be excluded from the balance of the document. This is a fundamental legal drafting principle taught in first-year law school.

It is fundamental that the sex equality rights provisions of the Charter be included in Clause 16 of the Constitution Amendment, 1987. Failure to include the sex equality rights provisions of the Charter in Clause 16 could lead to different levels of scrutiny being applied by the courts to Charter rights. We have seen this three-tiered test of scrutiny being applied in the States, and women in Canada and in Manitoba really do not want that kind of test applied in our courts.

If the sex equality provisions are not included, how will any potential conflict between the distinct society of Quebec, and by implication the remainder of Canada, and sexual guarantees be resolved?

MAWL does not wish to overstate the potential for conflict between the "distinct society" and "sexual equality," or imply that it will happen. However, the potential for conflict does exist. For example, the history of the world is replete with examples of Government's misuse of population control in the name of preserving or promoting distinct populations. Incentives or disincentives to discourage certain groups within the society with respect to reproduction include: making or taking away parental benefits, specifically maternity leave; restricting reproductive freedom; altering access to availability for education and economic opportunities for women; making subsidized housing available to some and not available to others on criteria dealing with population goals.

There are only some areas where we feel there could be conflict between the distinct society provisions and total equality guarantees. We could go on to name some dealing with the guarantees for Native and multicultural rights versus sex equality guarantees, if in fact it was interpreted that the aboriginal rights and multicultural rights were in a test, a higher scrutiny test, than equality rights.

There are cases in Canada which illustrate other types of potential conflicts, such as the Caldwell case. In that case, the Supreme Court of Canada ruled that Margaret Caldwell was not discriminated against because her religious or marital status when her employment as a teacher at a Catholic high school was terminated because she married a divorced man in a civil ceremony. Here, the court was attempting to resolve the conflict between two legally established rights, that of individual's rights to freedom from discrimination in employment, and that of a religious group's rights to carry on its activities in the operation of its denominational school according to its own religious beliefs and practices. Religion may be held to be a component of a "distinct society."

We believe that the sex equality rights provisions in the Charter must be included in Clause 16 in order to ensure that a consideration of "sexual equality rights" will occur in evaluating measures designed to preserve and protect the distinct society. We recommend that Clause 16 be amended to include the following clause:

• (2000)

Nothing in Section 2 of the Constitution Act, 1867 or any other provision of the Constitution Act, 1867 shall be amended or other Constitution Act, amendment or resolution shall abrogate or derogate from the sex equality rights as provided for in Sections 15 and 28 of the Canadian Charter of Rights and Freedoms.

Recent case law infers that some matters enshrined in the Constitution Act, 1867 are immune from the 1982 Charter review. I am specifically here referring in my footnote to the separate school's case in Ontario.

Clause 1 will be entrenched in the Constitution Act, 1867. While MAWL does not wish to endorse the principle that constitutional provisions should have priority over each other depending on when they were passed or in which Act they occur, we are concerned that the Charter provisions could be abrogated to this amendment, the Meech Lake Accord amendment that is going into the original document, that is an amendment going into the original 1867 document. Therefore, for greater certainty, MAWL recommends that Clause 16 with the above suggested amendment should be included in the Constitution Act of 1867.

Women's groups have been assured by politicians, including the Prime Minister, that it was not their intention to have the "distinct society" clause supersede the Charter. These politicians' assurances are not admissible in court if a court should ultimately have to rule on any potential conflicts between the Charter and the "distinct society." Surely it is wiser to correct the flaws in the document and retain certainty for its meaning and interpretation now, rather than leave it to the court's interpretation and risk women's rights to equality, if their intention is truly to protect women's rights to equality.

As a lawyer, I would never advise my clients to sign a contract now with clauses that they did not really want and hoped that you could renegotiate it later. You would never give that advice to your clients and I cannot believe that we could consider doing that as a nation.

MAWL also has concerns with a number of other clauses in the Accord:

1. Clause 6: The Supreme Court of Canada

The Supreme Court is the ultimate arbiter of equality issues for women. From the historic Persons case to the *Murdock* and *Bliss* cases to the recent example ruling on equality rights in the *Andrews* case, women of Canada have had their rights, including personhood, defined by this court. In the future, the Supreme Court will be called upon to decide key Charter cases for women. We believe that the process for the appointment of judges to the Supreme Court of Canada should recognize the role of the court in deciding equality issues for women as well as federal-provincial jurisdictional issues.

While it is hoped that in any appointment process the provinces will put forward names of competent women, and we will be pleased to put forward recommendations, we also want the opportunity to input directly onto the final list that is open for consideration.

MAWL recommends that national women's groups be given the right, in addition to the provinces, to recommend names for vacancies which occur on the Supreme Court.

MAWL recommends that territorial Governments also be given the right, in addition to the provinces, to recommend names for vacancies to the Supreme Court.

MAWL recommends that both the lists recommended by the provinces and by other groups and the final summary list of names to be considered be made public.

In order to allow an opportunity for scrutiny and to ensure accountability by the provinces and that groups be given an opportunity to submit names, the list must be public.

MAWL recommends that this committee recognize the importance of women's perspective on the Supreme Court and that it endorse the goal of 50 percent of the Supreme Court bench being female.

We believe that a more diverse and mixed judiciary at all jurisdictional levels will be more likely to promote an egalitarian society.

2. Clause 2: The Senate

MAWL recommends that national women's groups be given the right, in addition to the provinces, to recommend names for vacancies which occur on the Senate.

MAWL recommends that territorial Governments also be given this right.

Again we recommend that both lists be made public.

MAWL recommends that this committee recognize the importance of a women's perspective on the Senate and that it endorse the goal of 50 percent of Senate members being women.

Without commenting on the issue of Senate reform, we are equally concerned that the appointment process for the Senate detailed in these amendments also ignores women and assumes the recognition of the role of the Senate in dealing with federal-provincial issues is the only element in need of reform. As a result, MAWL's recommendations under this clause are similar to those dealing with the Supreme Court. We are also concerned with the amending formula and the requirement for unanimity, and we will deal with that later.

Another fundamental concern is our spending powers. One of the goals of equality seekers is to prevent discrimination. Sometimes that is needed to be done through affirmative action or ameliorative programs. MAWL recognizes the importance of national shared-cost programs in providing for this kind of action, and sees this as a primary purpose.

Clause 7 affirms and entrenches the current practice of the federal and provincial Governments in establishing these types of programs. MAWL has a number of concerns though. MAWL recommends the clarification of Clause 7 in the following areas: definition of national shared-cost program, definition of national objective.

MAWL recommends that the committee endorse an interpretation of "national objective" which includes, at the minimum, the following basic elements: public administration on a non-profit basis; comprehensiveness; universality; portability; accessibility on uniform terms and conditions; provision for information on the operation of the program. These elements are currently defined as "criteria" under the Canada Health Act. MAWL endorses that as a minimum key "national objectives" for any national cost-shared programs. MAWL believes it is essential that the committee make strong recommendations regarding the scope of the term "national objectives."

We further recommend that the federal Government, in consultation with the province, have the responsibility of defining "national objectives" in further detail.

We are also concerned with the term "compatible." MAWL recommends that Clause 7 be amended to replace the term "compatible" with a term that requires positive correlation with national objectives.

The terminology used throughout the proposed amendment infers that the word "compatible" may be synonymous with the term "not repugnant to" or "not inconsistent with." As such, the term "compatible" may not require compliance or conformity with "national objectives."

MAWL requests that this committee recommend enabling language to be included in Clause 7 to allow for federal Government program criteria. We, therefore, recommend that Clause 7 be amended to include the following clause:

The Canadian Charter of Rights and Freedoms applies in respect of any national shared-cost program that is established by Parliament or the Government of Canada to programs or initiatives established by the Legislatures of Governments of a province seeking compensation from the Government of Canada pursuant to this section.

We are also very concerned about the amending formula, and very concerned that the Yukon and the Northwest Territories have not been invited to participate. We are concerned that we may create a stalemate by the present unanimity formula. We would recommend a return to the current amending formula consisting of seven provinces acting on behalf of half of the national population.

We are also very concerned with the issue of executive federalism and we would not like to see First Ministers' Conferences be the place where all of the most major decisions in the country will be reached under pressurized situations with lack of public input.

* (2010)

Finally, MAWL wishes to comment on the concept of a parallel agreement which has been suggested. MAWL categorically rejects this approach. The title itself is a fiction. A parallel agreement is impossible. To address the concerns expressed in this brief, the parallel agreement would have to supersede the Accord. Such an agreement would by definition not be parallel. If such an agreement did not specifically supersede the

Accord, then there would be major conflicts between the two documents which would have to be resolved by the courts. This solution is completely unacceptable to Manitoba women.

MAWL urges this committee and the Province of Manitoba not to be tricked into agreeing to any "parallel agreement" unless that agreement specifically supersedes the Accord, and then only after public discussion and input has occurred.

I thank you for the opportunity to address this committee. I am proud to be a Manitoban and to have a chance to speak out on this important issue. I do wish to emphasize that both the Manitoba and the National Associations of Women and the Law are not anti-Quebec or anti-French. At the national level, MAWL is a bilingual organization with three caucuses in Quebec. We welcome Quebec as a full signatory to our Constitution. We do object to being labelled anti-French or anti-Quebec because we raise legitimate concerns about this Accord.

We urge the Government not to adopt this Accord without all of the amendments proposed herein.

I thank you for the opportunity to submit this brief.

Mr. Chairman: Thank you, Ms. Brown. Mr. Praznik will start with questions from the Task Force.

Mr. Praznik: I have a question for you, Ms. Brown, about protection of fundamental rights for women in the Constitution. I would like to ask if your organization has explored the option of recognizing fundamental rights for female and male persons, as part of the fundamental characteristic portion of the Meech Lake Accord, along with multicultural rights and the recognition of the aboriginal fact, as part of the fundamental characteristics of the country, as opposed to Section 16. Is that another option you have looked at?

Ms. Brown: I am not sure if I fully understand your question.

Mr. Praznik: Instead of having the Section 16, which we have discussed, have a section in the beginning of the amendment which would outline the fundamental characteristics of Canada, one of which would be the fundamental rights for female and male persons as outlined in the Charter, along with the aboriginal fact, as well as the multicultural makeup of the country.

Ms. Brown: As a preamble or as a clause itself?

Mr. Praznik: On the same basis as the "distinct society" is now, which is the trouble as to the hierarchy of rights.

Ms. Brown: The "distinct society" is actually in a clause. I would not want to see something only in the effect of a preamble, because the preamble does not have the same legal effect as that actual clause in the document.

Mr. Praznik: It would be the same clause.

Ms. Brown: To put it into Clause 1, you are saying?

Mr. Praznik: It would all be part of the same clause, which would eliminate the need for a Section 16. Have you explored that option?

Ms. Brown: Clause 1?

Mr. Praznik: Yes. Have you explored that option?

Ms. Brown: We have not looked at that fully, on behalf of my own association, but it is something we certainly could consider and advise you on. I had not seen that suggestion before, particularly. You are saying, eliminate Clause 16 altogether and put it all into Clause 1 of the document. Which is going to supersede then, the "distinct society" or that? You still come down to the same clause. Is the Charter going to be paramount or is the "distinct society" going to be paramount? We would not accept anything that will put the Charter secondary to any other clause in the Accord.

Mr. Chairman: Other questions? Mrs. Hammond.

Mrs. Hammond: Ms. Brown, I want to congratulate you on an excellent presentation. When the ad hoc committee on Meech Lake made their presentation, and they were suggesting that you were part of that, Ms. Bjornson had suggested that Meech Lake be scrapped altogether, that was the best alternative. I am just wondering if Women and the Law actually go along with that or would they prefer to see amendments made.

Ms. Brown: Certainly, we would not like to see it adopted unless all of the amendments were made, and those are pretty fundamental. We have a real concern there may be some bargaining take place and some amendments may be given and other amendments will not. Our concern there is that we are still coming out with, I believe, as Ms. Bjornson I heard on the press, she stated we have got a piece of knitting that has flaws in it. I, myself, am not a knitter but I certainly endorse that analogy. I think you either have to clean up the whole thing and make it right or you have to start again, one or the other.

Mrs. Hammond: In realizing there always is bargaining when someone is dealing with something like the Constitution, that there is give and take, are there any of your suggested amendments that would take priority?

Ms. Brown: I think the ones that we would be absolutely most concerned about are the absolute guarantee of Charter equality priority, particularly in the area of sex equality rights and, secondly, the national shared-cost programs. Those are our two most fundamental concerns. There are a number of concerns in the document. It is hard to prioritize when every one of them—you can think of examples where it could be very bad for the country—those, and then next perhaps, the amending formula process.

Mrs. Hammond: Thank you.

Mr. Chairman: Mrs. Carstairs.

Mrs. Carstairs: Ms. Brown, you talked about the inclusions of Section 15 and Section 28. Would your particular organization be satisfied with a non-derogation clause to the Charter?

Ms. Brown: Yes.

Mrs. Carstairs: Thank you.

Mr. Chairman: Any other questions? Mr. Carr.

Mr. Carr: Ms. Brown, on the section on the Senate, you comment on the method of appointment and you are very interested in your own organization and other women's organizations to be involved in the appointment process. Do you have a comment to make on what kind of shape you would like a future Canadian Senate to take? Is your organization in favour of an elected Senate, for example?

* (2020)

Ms. Brown: We do not have a resolution on that, our local organization. Certainly I think we are aware that Senate reform is necessary and I believe we have a resolution on that, that we need Senate reform. We have not come down taking a position, but we do have a position that suggests that all of the Government bodies in Canada should be representative of the population, i.e., at least 50 percent female, and that would be our goal. But we have not taken a specific—we are a local organization involved in a national organization. As a national organization having members from across Canada, it is just about as difficult to get our organization to agree on those types of issues as it is because we tend to polarize then on the basis of regional matters.

So it is just about as difficult as it is to get the nation to agree on those types of issues, but our concern with respect to Senate reform is that, if we impose the present amending formula, it is my view that we will never, in my organization's view, have Senate reform. I go back to the same analogy as a lawyer. You would never counsel a client to sign a document before it is in the form that you want it in. I do not think that we can go in saying that we are going to give a right of dissent to every province and require unanimity and then expect that we are ever going to get 11 First Ministers to agree on a reformed Senate when some provinces have a lot to lose or gain in that formula.

Mr. Praznik: One further question for Ms. Brown on the funding of national programs, a part of your proposal. I think we have heard a number of presentations. There is some very strong concern being expressed about the ability to have the highest standards in national cost-shared programs. The concern I put forward—and I am interested in your thoughts and comments on it—you are aware the federal and provincial Governments have gone through a process on a national child care strategy which is yet unresolved. One of the problems one always has when the federal Government is trying to develop a national program in areas of provincial jurisdiction is

the receiving provinces being able to match the share of funding that the federal Government would like to have. In the case of some poorer provinces, particularly New Brunswick, that is always a real difficulty. I just wonder in that process—I mean in an ideal world the federal Government would always have sufficient funds to meet all that need. Have you thought about the situation where a poorer province would not be able to meet that funding level required in a shared-cost program by a federal program, and would want to do something maybe on a limited basis but still have those resources as opposed to not being in the federal program at all?

Ms. Brown: I sort of skipped over that page in my brief but I will draw you to page 14. It is partially one of the reasons why we were concerned about the document as drafted because we recognize that not every province will have the ability. Right now under a number of our shared-cost programs, the federal Government puts in more than their share, and we also recognize that on a regional basis you may want to tailor programs. Newfoundland may not require the same type of child care services that downtown Toronto requires, and that is a laudable goal to be able to tailor programs to your regional provincial interests.

On the other hand, it is our view, and we have passed legislation in the day care field, that there must be minimum standards and often it is not the have-not province who does not come up to those minimum standards or what we would consider to be minimum standards and want to see enforced. It is a province that has money. I use day care as the example of the lack of any real and realistic standards in child care in the Province of Alberta. I use that as an example of a province who can afford to pay and who are not even putting in the minimum standards. So certainly we would support a concept that would allow programs to be able to be implemented in a phased-in method but still reaching the minimum standard in provinces that could not afford to put in a full program immediately. Surely, we must have a basic minimum that it is not a good program unless it comes to that minimum. It seems to me that is where we have to draw the line.

Mr. Chairman: Time is regrettably ended for questions. Thank you very much, Ms. Brown.

Ms. Brown: Thank you.

Mr. Chairman: Our next presenter is Mr. Gordon Duncan. Is Mr. Duncan here?

Then we will move to our supplementary list of people who indicated since the draw by lot that they would like to speak this evening. We have a joint presentation from Mrs. Grainger, Mr. Siemens, Ms. Potter and Mr. Turchyn.

There are a couple more chairs right behind you there.

Mrs. Carstairs: I think she is coming by herself.

Mr. Chairman: You are going to present on behalf of?

Mrs. Mary Grainger (Private Citizen): Yes.

Mr. Chairman: I think we would like to see the others. Can they—

Mrs. Grainger: Some of them are unable to be here tonight.

Mr. Chairman: We will ask them to stand up.

Mrs. Grainger: One is here.

Mr. Chairman: You, sir, are?

Mr. Bert Siemens (Private Citizen): Mr. Bert Siemens.

Mr. Chairman: Mr. Siemens, okay. We have your written brief. I'll just make sure everybody on the committee has got it. Good. Is it a submission from private citizens or does it represent some group?

Mrs. Grainger: It is private citizens.

Mr. Chairman: Okay. Thank you very much. Please proceed. And you are?

Mrs. Grainger: I would like to make a presentation to the Manitoba Task Force on Meech Lake on behalf of Joyce Potter, Jerry Turchyn, Bert Siemens and myself, Mary Grainger.

As concerned Canadians, we would like to submit our views on the Meech Lake Accord. While we appreciate efforts to bring Quebec into the Constitution as a signatory, we are convinced that the Accord should not be passed in its present form without a thorough reworking of its flaws and ambiguities. This is a chance to bring together in unity all peoples of Canada so that the feelings of strength and equality in this nation can be felt by everyone. We will highlight our major concerns.

The "distinct society" clause—we feel that the Constitution must recognize the full importance of the following characteristics of Canada:

- i) The commitment of all Canadians to the protection of our Charter of Rights and Freedoms.
- ii) The existence of the aboriginal peoples of Canada as distinct societies with their own unique language, history, culture, legal systems, aboriginal and treaty rights.
- iii) The existence of Quebec as a distinct society with its own unique language, history, culture and legal system.
- iv) The existence of many multicultural communities within Canada which emphasizes the uniqueness of our country.

The amending formula—we feel the present amending formula already presents enough obstacles in terms of making changes to the Senate, the Supreme Court or establishing new provinces. We recommend dropping the unanimous consent requirement.

The spending powers—universality of social programs is an important and unifying aspect of our

Canadian society. The wording of the section concerning national programs fails to define "national shared-cost programs" and "compatibility with national objectives." We feel it is important that social programs be implemented fairly throughout Canada. The interpretation of "national objectives" and the option of the provinces to opt out of national shared-cost programs is unacceptable and misleading. In its present form in the Accord, spending on social programs can be used by provincial and federal Governments solely for political means.

Our concern is that the present programs will not be maintained and new national programs will become difficult to implement, such as day care, mental health, environment protection, workplace safety and health care programs, could be adversely affected.

Lastly, immigration, immigration is important in maintaining a viable and vibrant country. The provisions in the Accord, however, are potentially harmful. Quebec will be able to control the number of immigrants admitted to Canada, thus potentially damaging the economies of the other provinces and territories. The proposed agreement between the Government of Canada and Quebec also states that the federal Government will withdraw services which would integrate immigrants into the larger Canadian community. We do not believe that such action would lead to any positive outcomes.

Our conclusions: The Meech Lake Accord should definitely not be passed in its present form. We feel that the very identity and unity of Canada, which the Accord claims to preserve, will be threatened. In trying to correct an injustice done to Quebec in 1982, the Accord has the potential to do an injustice to all Canadians. The Accord should instead be used to strengthen the cultural and economic bonds which bring Canadians together as a nation.

I thank you.

* (2030)

Mr. Chairman: Thank you. Questions? Mrs. Carstairs.

Mrs. Carstairs: Thank you for the presentation. I just have a couple of questions I would like to ask you. First of all, with regard to the social programs, you make the point that you are concerned about present programs being maintained. I think that it is fairly clear in the Accord that social programs, as they exist, will be maintained. The concern, therefore, I would suggest is really for new national programs that may exist.

Ms. Grainger: Our main concern is for new national programs.

Mrs. Carstairs: Thank you. The other part is with regard to opting out. There are two ways of opting out. At the present time, a province can opt out but without funding. I assume that you do not object to that. You just object to them opting out if they are going to get funding.

Ms. Grainger: Yes.

Mrs. Carstairs: Thank you.

Mr. Praznik: Mr. Chairperson, if I could just ask a further question on the line that Mrs. Carstairs began, because I think we are seeing a great number of very interesting comments being made about federal national cost-shared programs and provincial roles in them. Maybe this is unfair asking you at this time, but what is your opinion on the role of provinces in being able to tailor national cost-shared programs, which again are in their area of jurisdiction, to the needs of their provinces? What kind of role do you see in regard to that, because needs in child care may be very different in a rural province like Saskatchewan, as opposed to a fairly urban province like Ontario? So I just ask you your opinion on that issue.

Ms. Grainger: Well, as we stated, we feel that universality is extremely important and it defines us as Canadians. So we would like that universality to stay. We feel that universality benefits all Canadians and it also defines us. If there are national programs to be brought in, such as national day care programs, we feel there has to be a minimum standard guaranteed by all provinces. I am not a lawyer so I have to speak from my understanding of the whole process.

In the medicare field, the provinces that have less, the have-not provinces, receive more monies from Ottawa. Therefore, I would expect the same to happen in any national program. If a province was unable to meet the minimum standard without further subsidies from Ottawa, then I would expect it would work in the same way medicare works now.

In terms of tailoring it, again I would have to agree with what you said. There has to be some tailoring. You cannot have the exact same program in one part of the country as the other, but the minimum standard has to be there and the intent has to be there. Therefore, if, as a Canadian, I could live in any part of Canada, if I move I would like to know that there was a day care program where I move, or as there is now, there is a medicare program there. It will not be the same as Manitoba's Medicare system or the same as Manitoba's day care, but it will meet the minimum standards of our national program.

Mr. Praznik: I just may comment, Mr. Chairperson. I am a lawyer and my colleagues always tell me it is a lot more clear when non-lawyers do the talking, so it is good to hear you make your comments today.

Mr. Chairman: Any further questions? Thank you very much.

The next person on the list is Mr. Henry Toews.

Mr. Henry Toews (Private Citizen): I did not prepare anything for the Meech Lake Accord.

Mr. Chairman: Sir, if I could just ask you to pull that gadget towards you and speak right into it.

Mr. Toews: Okay, my words do not carry very well. I do not speak to the Meech Lake Accord, but my

neighbour just phoned that I should speak for the Christians at Schanzenfeld. He told me I should represent them as the Christian of our village and that we, as citizens of Canada, and I am proud that I am a citizen of Manitoba and of Canada, and that I believe in justice and righteousness, and also that we have responsibility to our Government and to our Creator.

I would just like to read a few words that God told us to do, as citizens of Canada, to the Government. They are found in 1 Timothy, Chapter 2, Verses 1 to 4:

- "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks, be made for all men;
2. For kings, and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty.
 3. For this is good and acceptable in the sight of God our Saviour;
 4. Who will have all men to be saved, and to come unto the knowledge of the truth.

I would just like to add that I must confess I do not pray enough for our Government. We should pray for our Prime Minister and all in authority and, if we would do it, it would make a very big difference in our nation. If we would not always ask more and more from our Government, then we as citizens would not be so far in debt. If we all took share or part, in a few years, I think we could make it. That is what I pray for our country and I am glad that I am a Canadian. Thank you.

Mr. Chairman: Ms. Poersch. Did I pronounce your name correctly?

Ms. Ruth Poersch (Private Citizen): You may pronounce it "Pursch" or "Porsche" or either one. We pronounce it "Porsche" if we are speaking on the phone because then they recognize it more, and they remember the car.

Mr. Chairman: You are representing your own interest or—

Ms. Poersch: I am representing myself as a private citizen.

Mr. Chairman: Very good.

Ms. Poersch: My name is Ruth Poersch, and I present my brief to the Task Force on Meech Lake as a private citizen.

My question is, why are western Canadians continually put on the defensive in matters as they relate to the demands of Quebec Francophones? News media people in central Canada label us as being intolerant, prejudiced or worse. When Mr. Filmon made a stand and would not go along with the Meech Lake agreement as signed by his predecessor, you will recall the descriptive paragraphs in the paper concerning his actions and motives. It appears that Mr. George Erasmus, the national Indian leader, had a point when he labelled Quebec as a "spoiled child" of

Confederation, and accused it of blackmailing the rest of Canada to satisfy its own selfish wants.

It is not Manitoba's fault that they are running out of a supply of Quebec Francophones, and demand a clause giving them a "distinct society" status over and above all the other provinces of this country. They are a minority group that has one of the lowest birth rates in the world, well below the level of natural replacement. They are few and getting fewer. In order to protect themselves, they are making tremendous, costly, unfair and unproductive demands on the rest of Canada, including their fellow English-speaking citizens in Quebec.

• (2040)

Why should a people's language and culture be protected by sinners at extreme cost and inconvenience when the people themselves cannot even maintain their ongoing existence? Had the Roman Empire been made a distinct society and had similar ambitions for its Latin language, perhaps some of us here tonight would be trying to communicate to the rest of you in Latin, though these people and their culture disappeared in the Middle Ages.

Whether Quebec Francophones accept the fact or not or whether the Province of Quebec accepts it, presently Canada's outreach and outlook spans the world. It is a fact that English is the official language of the entire world, making universal communication possible for all the people of the world.

Simply put, you cannot rewrite history after the fact. Perhaps Quebec is frustrated that the French language and culture does not have the high profile it would like to have, and compensates by these frequent outbursts of muscle flexing to scare us into submission. Quebec is similar to the mother watching as the troops march by during a military parade. She turns proudly to another bystander and remarks, "Just look at that, everyone in the army is out of step but my son, John."

How times have changed! Parents used to have to decide if a child would be christened with water at the baptismal font. Now they have to decide if the child should be immersed in French. Parents are aware of the insidious existence of bilingual requirements for jobs and promotions when their children get into the labour force—ironic, considering that there are only five million Francophones as compared to 250 million non-Francophones on the North American continent. I would like to add to this paragraph. We would have hoped it was knowledge, talent and abilities that gained a position for our children, not the fact that they are bilingual or unilingual.

If Quebec is so concerned about this "distinct society" clause only applying to their province to the exclusion of the other nine provinces, then they should contain their activities in that province. Presently, they have it all ways to the detriment of the Anglophones in Quebec and the rest of Canada.

We in western Canada respected and accepted our French neighbours living in their French towns with their French culture. If they wish to operate businesses

to serve both their French customers and the English customers from neighbouring towns, it was by their choice, not legislation. Certainly, the provincial Government of Manitoba did not interfere.

We presently are witnessing the erosion of understanding between the Quebec Francophones and others residing in Quebec, as well as the alienation of feeling between Quebec and western Canada. We question why this disruptive minority should get the preferential treatment in the Meech Lake Accord, labelling it a "distinct society" to the exclusion of all other groups in the country.

Experts suggest that Quebec will need an infusion of 35,000 French-speaking immigrants a year to maintain their existing numerical number.

So what will be protected in this "distinct society"? It cannot be the language if it can only continue if supplemented by a yearly supply of 35,000 immigrants who can speak French. It cannot be the culture because these immigrants will not have the same cultural heritage as the Quebec Francophones they have come to replace. So now we are down to a single province of Canada, which is Quebec, with a "distinct society" clause in their unique favour from here to eternity, for a group of people who apparently are diminishing at the rate of 35,000 a year, obviously taking their culture with them.

Other Canadian nationalities, such as the Ukrainians, Scandinavians, Mennonites, etc., are not demanding such protection as Quebec demands, yet their cultures are vibrant and visible. Through music, colourful costumes, dancing, crafts, songs, histories and lifestyles, they have instilled in their descendants and in fellow Canadians a respect for these pioneer heritages. We, in turn, admire and respect them for this peaceful and co-existent approach. Perhaps it is impossible to come up with such cooperation if a group is constantly burdened with an ongoing chip on their shoulders.

The sooner people realize you cannot legislate artificial feelings, attitudes or sentiments, the sooner all Canadians will settle down and start living harmoniously with their neighbours across the length and breadth of Canada.

Canada, as part of the world family of inhabitants, is about to enter a new century. Great advances in knowledge, technology and the interaction of the peoples of the world will take place. There is no place in Canada for the destructive infighting that presently is taking place. It will take all our combined energies, brain power and industry to prepare and sustain our position as a major country of the world.

Is it too much to wish that the citizens of Canada, regardless of ethnic backgrounds, will decide to work towards a fair and equitable existence, finally as Canadians? If we do not, we all have much to lose.

Perhaps our Premier, Mr. Filmon, and the Leader of the Opposition, Mrs. Carstairs, had varied reasons for not supporting the Meech Lake Accord, but the resulting opportunity for the citizens of Manitoba to take part in a forum such as this indicates that democracy still

flourishes, at least in the Province of Manitoba, and we thank them for that.

Thank you.

Mr. Chairman: Thank you, Ms. Poersch. Any questions from the Task Force Members? Thank you.

Has Mr. Duncan arrived? Mr. Schmidt.

Mr. Edgar Schmidt (Private Citizen): Mr. Chairman and Members of the Task Force, my comments will be very brief. I am before you as a private citizen with some interest in the Meech Lake agreement and its effect on Canadian society.

I think my main concern has been raised here several times. It relates to the calcification of the power relationships in Canada by adopting a unanimity requirement for constitutional amendments. One can look at that from a variety of perspectives. I am also a lawyer and so Mona Brown's comments certainly rang true for me. I can hardly advise a client to adopt to enter into an agreement which freezes in place, which provides some other party to the agreement with the power to frustrate any future changes when the existing situation is not appropriate.

Now, if you have a situation where you are already happy with the terms of the arrangement, perhaps that sort of amendment formula is appropriate. I do not feel that the present sharing of power is appropriate. I do think that there has to be some regional element in the way decision-making occurs in Ottawa. That regional interest element is lacking. I believe that needs to be addressed in some way. If we adopt the Meech Lake Accord the way it is, we will make that virtually impossible to happen. So that is a very serious concern of mine. One could look at it from a different perspective or with a different paradigm—perhaps family relationships. It is not a perfect analogy by any stretch of the imagination, but it works.

Besides a lawyer, I am a member of a family. I am the youngest of a family, and I recall how in our family, as I was growing up, power was not shared the same way as I wished it might be. As I grew older, I found it necessary to assert my own interests and rights, sometimes fairly vigorously, in order to restructure and adjust the powers within our siblings. That very same sort of process, though it is not a perfect analogy, I think also happens in a federal state. The western provinces are younger, have smaller populations, the eastern provinces likewise, not younger, except for Newfoundland perhaps, but have smaller populations. I believe that wrestling with the other members of this Canadian family for an appropriate sharing of power needs to happen, and we ought not to lock in place a situation where the elder brothers and sisters in the centre of Canada hold the power and hold the means to keep that power always. Those are my concerns.

* (2050)

I would like to add just one thing. I would like to endorse some of the comments that have also been made this evening that we are not—or that I am at least not—in advocating a proper assertion of western

interests, advocating that we should therefore ignore legitimate interests of the Province of Quebec. I believe good and proper relationships within a family, as in a country, require that you recognize the legitimate interests of each group and attempt to accommodate those interests appropriately. So I wish to endorse the comments that have been made on various occasions by various individuals this evening that legitimate interests of Quebec to their own culture, their concerns for linguistic continuity ought not to be ignored, ought not to be lightly set aside. Those are legitimate. We wish to recognize them as we wish our interests to be recognized as well. Thank you.

Mr. Chairman: Are there any questions for Mr. Schmidt? Thank you very much, sir.

Mr. Lyall. You are here as a private citizen, sir?

Mr. Roy Lyall (Private Citizen): That's right.

Mr. Chairman: Thank you.

Mr. Lyall: The last two acts are going to be rather hard to follow and, seeing that I am neither a lawyer nor an orator, I will keep the facts very, very short. Some of the panel have probably already heard from me in the last three weeks or a month.

Much has been said about the Meech Lake Agreement but, as usual, the politicians give us no details as to the consequence of this political blunder. To quote Sidney Green, "The only good thing about the Accord is the notwithstanding clause."

Why would Manitoba sign this Accord? Let us go back 25 years when the political problems started. Remember the removal of the Trans-Canada Airline overhaul base from Winnipeg to Montreal? The Morden canning plant was sabotaged, not because it did not pay, but because the eastern canners prevented the products from moving east; the CF-18 deal to Montreal; the sale of the overseas telephone to an unknown firm in Montreal; the many scandals that Mr. Mulroney had to endure in his first four years of Government.

At this point, it is reason enough not to sign. However, we look into the fine print of the Accord, the "distinct society." No one really knows what it means except, of course, Mr. Bourassa and Jacques Parizeau. It amounts to sovereignty association with their hand firmly entrenched in the Canadian Treasury, all of this backed up by Bill C-72 that entrenches Quebecers in the Civil Service, Crown corporations, the Supreme Court, the Senate, plus the armed services.

Those of us who have stood up and voiced our opinion about bilingualism, we were bigots, rednecks, and many more beautiful terms. But it was not bigotry for Quebec to say "the Nordiques cannot be sold to an Anglais." It is odd how bigotry changes to nationalism.

There is no place in the world where a foreign sign is banned. English is hardly a foreign language in any province in Canada. It was interesting to see how quickly the Honourable Gerry Weiner muzzled the Franco-Manitoban Society. Maybe the million dollar grant every year was blackmail enough.

Now Mr. Mulroney is sending out threats that unless Manitoba signs, their equalization grants will be cut. What has transpired in the last four years is really not democracy. If this Accord is passed, Canada will be on the road to break up. We in the West have had enough of Quebec and their temper tantrums. Let Meech Lake die on the Order Paper for the good of the West and the Atlantic provinces. Thank you.

Mr. Chairman: Thank you, sir. Are there any questions from the members of the Task Force? We do, incidentally, have La Société Franco-Manitobain on our list, so they will be coming before the Task Force later. We will, of course, be interested in what they have to say, as we are with what everybody else has to say. Any questions?

Mr. Praznik: I was just going to ask if the gentleman had any views on Senate reform and the role of the Senate in the Canadian parliamentary system.

Mr. Lyall: Well, you are certainly aware, as all the rest of Canadians are, that if the Meech Lake agreement goes through as it is, there will never ever be any such thing as Senate reform. Can you see Mr. Bourassa negotiating when he has already got the veto at his fingertip and to say no if it does not please him? He is the only Premier in Canada, and of course his successors, that will use the veto clause, as the rest of the Premiers will be blackmailed by one reason or another by federal money not to have to stay in line.

Mr. Chairman: Are there any other questions? Thank you very much, Mr. Lyall. We are going to just take a five-minute stretch break here, be back in five minutes.

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Mr. Chairman: That was a very long five minutes. It must have been Winnipeg time we were working on and not Winkler time. I apologize for that somewhat longer delay than suggested. We actually were hoping that our final presenter on the list would arrive and, in fact, he has arrived, Mr. Gordon Duncan. Would you come forward, sir.

Mr. Gordon Duncan (Private Citizen): Can you hear that?

Mr. Chairman: Yes, sir. Do we have a written brief from you?

Mr. Duncan: Yes, you do.

Mr. Chairman: Thank you.

Mr. Duncan: I will start by apologizing for holding you up. I think I may have done that. I understood that I was on at 9:30, and here I am a half an hour early, and in fact a half hour late, or whatever.

I do not support the latest constitutional change known as the Meech Lake Accord. My reasons for objecting to the Accord range from the process through which it was hatched to substantive objections to its

content and meaning. Professor Schwartz and others have ably presented these latter concerns and I intend to focus on other considerations.

A major criticism that I feel concerns the process. Constitutional change must be widely understood and supported by the population as a whole. A final decision respecting constitutional change should be made by the people, preferably by referendum. Politicians, with great respect, are elected for relatively short terms and have no mandate to make constitutional change that bind the country in perpetuity. Not even trained legal minds can agree on the full meaning of the Accord. The rest of us, including the politicians, are even more confused.

One meaning is clear. The unanimity clause means that the Accord intends to commit Canadians in perpetuity to the Constitution, including Trudeau's 1982 constitutional changes. Prime Minister Mulroney told us last week that the 1982 constitutional changes were not worth the paper they were written on, yet we are asked to support the Accord which makes change impossible. This flawed birth process alone justifies scrapping the Meech Lake Accord. Perhaps we should follow through on the Prime Minister's conclusion and revisit, as well, the 1982 constitutional changes.

Other matters need to be considered. Most of us remember back 20-plus years to a time when competing visions of Canada were put before us. On the one hand, Lester Pearson, Tommy Douglas, Robert Stanfield and, as well, Rene Levesque, were advancing visions of Canada that involved some form of "special status," for Quebec. Levesque's vision involved "sovereignty association" as well, rather than the more conventional participation in Confederation. Fundamentally, this vision perceived the primacy of the French language and culture in Quebec and English in the rest of Canada.

Trudeau's vision of Canada rejected "special status" for Quebec and favoured instead a bilingual and bicultural Canada, based on the principle of "federal Government service in the second language where the numbers warranted."

* (2120)

You will recall that Rene Levesque described the bilingual-bicultural state envisaged by Trudeau as "a hybrid bicultural monstrosity" and he said it would never work.

Great debate raged for years over these competing and apparently incompatible visions of the country. Most Canadians accepted, if not agreed to, Trudeau's view. In due course Trudeau's view was entrenched in the 1982 Constitution. I would suggest that the notwithstanding clause is a result of concern or confusion in the minds of western Canadian Premiers as to the meaning and the implications of this entrenchment. I would further suggest that their concerns were well founded.

The Meech Lake Accord provides special status for Quebec. Mulroney apparently finds no conflict between the two visions of Canada, as debated during the '70s by Trudeau and Levesque. He wants us to trust him

while he entrenches this second vision of Canada in our Constitution as well. We would be foolish to do so.

What would be the effect of imposing special status for Quebec in addition to Trudeau's vision of Canada? It seems the intent is to create a unicultural, unilingual French Quebec within a bicultural, bilingual Canada. The hybrid bicultural monstrosity that Rene Levesque predicted will be restricted only to what is known as English Canada. This is obviously unacceptable to the majority of Canadians, or certainly will be so when the vision becomes clear. Trudeau, himself, still finds special status for Quebec to be "demeaning and offensive" to Quebecers.

Perhaps one view, special status for Quebec, or the other, Trudeau's bilingualism and biculturalism, can be made to work, but not the two in tandem.

A further problem must be faced up to in Canada. Trudeau's vision of a bilingual, bicultural Canada has not been implemented as he intended, or as I understood his intent. Trudeau said:

Bilingualism is not an imposition on the citizens. The citizens can go on speaking one language or six languages, or no languages if they choose. Bilingualism is an imposition on the state and not the citizens.

As late as 1977, Trudeau said in Winnipeg that bilingualism did not mean that "a lot more Canadians will have to be bilingual", nor even "most civil servants." Bilingualism has come to mean much more than federal Government service in the second language where the numbers warrant. With Bill C-72, an Act of our federal Parliament passed in 1988, the official language policy in Canada has become a policy of racial discrimination within Canada. "Francophone participation objectives" or hiring quotas by another name are standard within the federal Civil Service departments and federal agencies.

Thoughtful and fair-minded Francophones in the West and throughout Canada find this effort to create an elitist race within our country to be demeaning and offensive. Quebecers have been told that Bill C-72 will not be applied in Quebec to promote or protect English language rights. Presumably, Lucienne Bouchard, in so advising his constituents during the infamous by-election in June of 1988, assumed that the Meech Lake Accord would be approved. We now have another reason for ensuring that the Accord is stopped here in Manitoba.

Time does not permit full coverage of this important and timely subject. I have attached hereto my paper titled "Bilingualism in the West" dated August 10, 1988, which covers more completely my concerns for current official language policy, as intended by Bill C-72. Current official language policy, however, is an important consideration for you in deliberating on the Meech Lake Accord. These are not unrelated matters.

If I may leave the generalities for a moment, let me state that in particular I oppose the following clauses within the Accord, strictly on principle: firstly, the "distinct society" clause; secondly, the immigration clause; thirdly, the opting-out clause; fourthly, the

unanimity clause; and fifthly, Senator selection by the provinces.

Native peoples have a legitimate concern with the Accord and will, no doubt, make strong representation to you, as will women's groups. The northern Territories, who may never achieve provincial status, also have legitimate reason for wanting this Accord scrapped, and we should support their concern.

Western Canadians will never accept a Quebec which is unicultural and unilingual French within a Canada where the rest of the country is bicultural and bilingual. Bill C-72 and its racial implications make a bad situation worse. Canada in my view will ultimately split apart under the divisive forces unleashed by the Meech Lake Accord, if approved.

Consider Jacques Parizeau's writings. He writes, "As for Quebec, whatever could be offered would necessarily fall short, sooner or later, of what it wants, no matter how generous these propositions might seem at the outset. The answer lies in recognizing that we are faced with two different societies, that efficient economic policies for one are not necessarily efficient for the other because values are different, and there is no need to sacrifice efficiency for the larger society to accommodate the smaller one, which is likely in any case to be dissatisfied with the compromise."

Consider as well Rene Levesque's writings: "... In other words, we had to take into our own hands the entire liberty of Quebec and affirm our right to the essential content of independence and the full control of each and every one of our principal decisions. In this way, we would be rejoining one of the two major currents of our times, that of national emancipation. It would be, in fact, a double emancipation that might take place. The Anglo-Canadian majority would also at the same stroke be rid of constraints that our presence imposed upon it, would be free to reorganize its own institutions, and free to prove to itself that it really wanted to preserve a society distinct from that of the United States."

Levesque and Parizeau must be considered men of integrity and wisdom. We must consider their views as we twist and turn, seeking compromise with Quebec, "... which is likely in any case to be dissatisfied with the compromise." After 20 years and much compromise on the part of the majority, Quebec remains dissatisfied within Canada.

We as Manitobans and western Canadians must turn now to our own agenda. After 20 years or more of asking what Quebec wants, we must ask, what do western Canadians want? I think we want:

- Less focus on racial and language differences and more focus on fair treatment, and equality of opportunity for all, regardless of heritage, race or mother tongue.
- A Triple E Senate to promote regional fairness in decision-making at the national level. No more CF-18 decisions or National Energy Plans.

- Freedom of trade within Canada. It is ludicrous to have free trade north and south and not so east and west.

Having said that, I acknowledge and compliment the western Premiers for the efforts that they have made to free up trade at least in the West.

- Economic rights, including the right to private ownership of property, entrenched in the Constitution.
- Constitutional change decisions made by a referendum of an informed people. Locking up politicians overnight, in order to force a decision, just isn't good enough.

* (2130)

Let us leave the Meech Lake Accord behind us and initiate constitutional discussions where all regions and peoples have a needs list on the table. Let us not give up on our Canadian Confederation. Let us find a process for nation building that includes all of our regions and all of our people. Thank you and good night.

Mr. Chairman: Are there any questions to Mr. Duncan?

My only question, sir, is, may I ask, the copy of the Address dated August 14, 1988, the Address was to whom?

Mr. Duncan: That Address I gave to the Reform Party of Canada Convention in Calgary.

Mr. Chairman: The Reform Party of Canada. Are you representing their interests here tonight?

Mr. Duncan: No, I'm not. I am representing myself.

Mr. Chairman: Thank you. Any questions? Thank you very much, sir.

Mr. Duncan: Thank you.

Mr. Chairman: That is the last name on my list, ladies and gentlemen. If there are any others who wish to speak who are present at the meeting, may I ask any other individuals to signify and come forward now. If not, before I close the meeting, I would like to give my thanks to Mr. Jack Olfert, the principal of this school, who has looked after us very well. We have imposed on you all day, Jack, and used two of your facilities for meetings, plus a whole range of other things, and you have been very kind indeed.

I know I speak for the Task Force when I thank the people who have come to the meeting, I'm sure most of you from this area. We very much appreciate your attendance. There have been some excellent, excellent presentations today giving us a great deal of food for thought. My thanks to all of you for your presence, your participation. I wish you a good night and with the assurance that we will carefully consider what you have said to us.

Thank you.

Our next meeting is in Island Lake on Friday.

HEARING ADJOURNED AT: 9:35 p.m.



NUMBER

3



Manitoba Task Force on Meech Lake

April 14, 1989
Garden Hill and Island Lake Area, Manitoba

No. 3

Chairman: Professor Wally Fox-Decent

A DECLARATION OF THE FIRST NATIONS

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"We the original people of this land know the Creator put us here.

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The Creator gave us laws that govern all our relationships to live in harmony with nature and mankind.

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The Laws of the Creator defined our rights and responsibilities

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The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

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We have maintained our freedom, our languages, and our traditions from time immemorial.

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We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed.

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The Creator has given us the right to govern ourselves and the right to self-determination.

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The rights and responsibilities given to us by the Creator, cannot be altered or taken away by any other nation."

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We, the undersigned, representing the following political parties in Manitoba supports and recognizes the Declaration of the First Nations.

Progressive Conservative Party of Manitoba
Liberal Party of Manitoba
New Democratic Party of Manitoba

[Signature]
[Signature]
[Signature]

Signed and witnessed this day 14th of April 1989 at Garden Hill Reserve.



[Signature]
Chief Ken Wood
St. Theresa Point
[Signature]
Chief John A. Mason
Wassagamack

[Signature]
Chief Isaiah Harper
Garden Hill
[Signature]
Chief Joshua Harper
Red Sucker Lake

RED
SUCKER
LAKE.

MANITOBA TASK FORCE ON MEECH LAKE

Friday, April 14, 1989

TIME — 9 a.m.

LOCATION — Island Lake, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

Mr. James Carr (Member for Fort Rouge)
Mr. Gary Doer (Member for Concordia)
Hon. James McCrae (Member for Brandon West)
Mr. Darren Praznik (Member for Lac du Bonnet)

- * Substituting for Mrs. Sharon Carstairs (Member for River Heights), Mr. Neil Gaudry (Member for St. Boniface)
- * Substituting for Mrs. Gerrie Hammond (Member for Kirkfield Park), Mr. Helmut Pankratz (Member for La Verendrye)

Support staff for the Manitoba Meech Lake Task Force:

Mr. Binx Remnant, Secretary
Ms. Bonnie Greschuk, Assistant Secretary
Ms. Kathy Brock, Research Director
Mr. Vic Toews, Constitutional Advisor
Ms. Anita Tiessen, Media Relations
Ms. Annette Landry, Administrative Secretary

Appearing:

Chief Isaiah Harper, Garden Hill Band
Mr. Daniel Wood, Elder, St. Theresa Point Band
Chief Ken Wood, Regional Chief and Chairman of Island Lake Tribal Council; St. Theresa Band
Mr. Joe Guy Wood, representative of Island Lake Communities of Garden Hill, St. Theresa Point, Wasagamack, and Red Sucker Lake

Also Appearing:

Zack Harper, Interpreter
Harry Wood, Interpreter

Witnesses:

Mr. Elijah Harper, Member for Rupertsland
Mrs. Iva Yeo, Member for Sturgeon Creek

Written Submissions: Garden Hill/Island Lake

Joe Guy Wood, representative of Island Lake Communities of Garden Hill, St. Theresa Point, Wasagamack, and Red Sucker Lake
Nellieane Cromarty, Private Citizen
Brian Harper, Red Lake Youth
Roni Monias, Garden Hill Youth Council
Chief Philip Michel, Manitoba Keewatinowi Okimakanak

Stewart MacDougall, St. Theresa Point Youth Council

Noel Wood, Youth Council of Wasagamack

Press Release: Island Lake Tribal Council Inc., regarding Education E-12 Guideline A Declaration of the First Nations

Matters under Consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Chief Isaiah Harper (Garden Hill Band): (Island Lake dialect spoken)

(Translation)

As the Chief from the community, I would like to welcome the delegates and the representatives of Government who are here to listen to some issues related to our concerns and certainly the people who are here representing Government, not only in Winnipeg or the Province of Manitoba, but certainly the concerns from Ottawa. Also taking into account, of course, the issues that are going to be centred around today, are the two factual living situations here at Island Lake. So, once again, I certainly hope the message that we give to the province will reach the house of Government, and they will relate our concerns to the rest of society.

* (1045)

On behalf of the whole Island Lake, Regional Chief Ken Wood will be presenting the many issues concerning the conditions of Island Lake. It is almost impossible for all of us to individually sound our concerns. That is why we have elected to have Ken Wood, the Chief from St. Theresa, who is the Regional Chief, to address the many concerns that we have here.

That is the welcome. Thank you very much.

We will now take a short break, a five-minute break, so that the cameras can be set up, as all the presentations will be done at this table.

RECESS

Chief Ken Wood (Regional Chief and Chairman of Island Lake): Before we start, I would like to welcome and introduce MKO Chairman Philip Michel. Michel, would you stand up, please.

(Island Lake dialect spoken)

(Translation)

The next thing on our agenda today is the Task Force. Would you please introduce yourselves and make short comments at the head table, please.

Mr. Chairman: Honourable chiefs, elders, members of the communities of St. Theresa, Garden Hill, Wasagamack and Red Sucker Lake, I am Wally Fox-Decent, Chair of the Task Force on Meech Lake in Manitoba. It is our great pleasure to be here today in this community, in this school gymnasium so wonderfully filled with community people. We are here to listen to you on your views, your proposals about Meech Lake, the Meech Lake Accord.

I would like to thank Chief Harper for his words of welcome. We look forward to the rest of the day with you as we hear you express your words on the subject of the Meech Lake Accord.

It is now my privilege to introduce my colleagues on the Task Force. As I introduce them, I am going to ask them to stand up and be recognized by you.

* (1050)

The Members of the Task Force: first, the Honourable Jim McCrae, Attorney General for Manitoba, and Member of the Legislature for Brandon West. Secondly, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba, and the Member of the Legislature for Fort Rouge. The third Member of the Task Force, Mr. Gary Doer, Leader of the New Democratic Party and Member of the Legislature for Concordia. Next, Mr. Helmut Pankratz, the Member of the Legislature for La Verendrye, and Legislative Assistant to the Minister of Industry, Trade and Tourism. Next, Mr. Darren Praznik, Member of the Legislature for Lac du Bonnet, and Legislative Assistant to Premier Gary Filmon. The last, but certainly not least Member of the force, Mr. Neil Gaudry, the Member of the Legislature for St. Boniface.

We have two additional Members of the Legislature here today, ladies and gentlemen, and it is my pleasure to introduce them. They are not Members of the Task Force, but they are sufficiently interested in the proceedings that they have come today. It is of course my pleasure to acknowledge your own Member of the Legislature, Mr. Elijah Harper, the former Minister of Northern Affairs.

* (1055)

The second guest Member of the Legislature, Mrs. Iva Yeo, the Liberal Member of the Legislature for Sturgeon Creek.

Chief, we are ready for your statement, sir.

Mr. Harry Wood: I call on Daniel Wood, our elder from St. Theresa.

Mr. Daniel Wood (Elder, St. Theresa Point Band): (Island Lake dialect spoken)

(Translation)

I would like to thank the organizers for asking me to participate or to say a few words to the Task Force, but it makes me so unhappy to note that there is always a language barrier where people can communicate. I would have been more than happy to discuss and dialogue with the Task Force but certainly the languages

played a major role why this did not happen. However, you as a white man and I as an Indian must be able to communicate at this meeting. God not only gave us the sun, he also gave us the earth to walk on, gave us flesh to make us a human being, gave us the heart to love one another, gave us the will to work in peace and in partnership.

* (1100)

Today at this meeting we would like to set precedents and certainly make right, certain areas. The Government came to us as the aboriginal people. In his wisdom, he followed the same principles that God gave to these aboriginal people. God gave us the land, God gave us the animals and all its resources and all its richness. The Government came, followed the same paths that these resources would always belong to the aboriginal people, as God has given me the resources and the richness of the country every animal in it. Government came, made Treaties with us in the same light as the sun and the waters in the river will flow. On those bindings, we would repeat the same route.

Time does not allow me to go into details, but I certainly hope the Task Force in its wisdom will be patient with us because certainly there is a language barrier. Along with that patience and the understanding, the delegation, the Task Force, must stand by the First Nations' people and the promises that were given to the First Nations. It is a challenge to the Task Force that they must stand on these principles to carry with them, to carry our messages.

This is basically my opening statement and I certainly hope and wish that you will take into account our views, wants and needs, and that as we sit down together throughout the day, that hopefully to the Task Force it would become clearer and clearer the understanding of our daily needs, wants and wishes. Thank you very much.

Mr. Harry Wood : I would like to call on Chief Ken Wood, who is our Regional Chief and is also the Chairman of the Island Lake Tribal Council.

Chief Ken Wood (Regional Chief and Chairman of Island Lake Tribal Council; St. Theresa Band): (Island Lake dialect spoken)

(Translation)

The Island Lake Tribal Council comprising of Garden Hill, St. Theresa Point, Wasagamack First Nations stand opposed to the ratification of Meech Lake Accord in its present form.

Our First Nations accepted foreigners into our country in good faith and are still pursuing peaceful and cooperative co-existence with all nations, including the French, to the extent that we do not consider any nation as a tenant but as a full partner.

* (1110)

Our forefathers were very generous in setting the terms of our Treaties within the Crown. Those were set

with an understanding of mutual trust and belief that neither party would tamper with its intent.

The First Nations of today continue to uphold the spirit of sharing and to exercise tolerance of adverse conditions in their pursuit of justice. We understand the Meech Lake Accord to be a document that amplifies family favouritism. How else can this understanding be changed when the Government of Canada and provincial Governments have failed to negotiate the fundamental recognition of our inherent and aboriginal rights in the Constitution of Canada during the allotted time between 1983 and 1987?

When the amendment criteria with seven provinces without the participation of Quebec representing at least 50 percent of the population, we note that the Premiers agreed in their meeting in August of 1986 to prioritize negotiations on the Quebec proposal with the result that the Meech Lake Accord was agreed upon in April 1987. The final text was approved, signed, by the Prime Minister and Premiers of all 10 provinces on June 3 of 1987.

It appears that there was no need to demand clarification on the future impacts of each point of negotiation in the Meech Lake Accord, which was a major stumbling block in the efforts of our First Nations to include an explicit recognition of aboriginal title and the inherent right to self-government, and we are extremely offended by this callous treatment. Perhaps the Province of Quebec would have made the difference.

We will comment on three of five proposals which were set out by Quebec as a condition to join the 1982 constitutional agreement. The first condition of Quebec was the explicit recognition of Quebec as a "distinct society." We do not deny the fact that Quebec may be a "distinct society" within Canada, as France would be to the world. Therefore, we believe there should be no inference to recognize the aboriginal people as a "distinct society" in Canada and to the world, as indicated in the Royal Proclamation of 1763.

The third condition is a limitation of federal spending power. The federal Government is the trustee for Indian people under the terms of Section 91(24) or Subsection 24 of the Constitution Act 1867 and any deviation from this responsibility is outright breach of trust.

The fourth condition is the participation by Quebec in appointing judges to the Supreme Court of Canada. We understand that the civil code of Quebec is direct from the civil laws of the Old Country, as opposed to the civil law of the rest of Canada being derived from common law. In their effort to preserve this uniqueness, Quebec is demanding the appointment of three Supreme Court judges on a basis that it represents one-third of Canadian population.

The First Nations governed on the basis of their traditional laws in both civil and criminal matters, and Canada will be well-served to consider these laws which have survived the test of time. These sacred laws were not the invention of man but were based on the reaction of the natural and spiritual world, the actions of man. Our participation in the judicial system in our country is a contribution of aboriginal people which is presently being denied to the Canadian society.

The proposed annual constitutional conference specifies that the agenda items include Senate reform and fisheries. There is no indication that the aboriginal people will be participants even as it relates to fisheries, which is a subject in our Treaties. The Province of Quebec indicated support to the position of the aboriginal people during the First Ministers' Conference on the subject. Therefore, Quebec should now back up that commitment by including an amendment in the Meech Lake Accord to remove the word "existing" from Section 35(1) or Subsection 1, and affirm the recognition of explicit aboriginal title and the inherent right to self-government. At the very least, the constitutionalized agenda should specifically include the process of resolving the rights of aboriginal people.

In conclusion, the Island Lake Tribal Council supports the inclusion of Quebec in the Canadian Constitution, but the amendments necessary to bring this about must be fair to concerns of the aboriginal people of Canada.

We also would support our brothers and sisters to the North by affirming the exclusive federal jurisdiction of creating new provinces, which are the Yukon and the Territories.

To the governing Progressive Conservative Party, the Opposition Liberal Party and to the New Democratic Party of Manitoba, we urge you to support our concerns and seek amendments to reflect those changes to the Meech Lake Accord if in fact you recognize that we are also citizens of Manitoba.

Respectfully submitted by myself, Chairman of Island Lake Tribal Council, Chief Ken Wood. Thank you.

* (1120)

Mr. Chairman: Thank you, Chief. Are you prepared to respond to questions from any Members of the Task Force?

Mr. Zack Harper: Because there are two presentations similar to that presentation, we would prefer that we would have this other presentation, and those two presentations will coincide. Then you can tear us apart, if need be. We would love that very much.

Mr. Chairman: Sir, that is excellent from our point of view. Please proceed.

Mr. Harry Wood: Next, I would like to call on Joe Guy Wood, please.

The reason why we combined the two presentations, Joe will go through some specific areas of the concerns the whole Island Lake has, and the documentation that we have belongs to the communities. Because we were concerned about the time factor, we combined it into one major presentation and these two will coincide because people wanted some specifics on those items that Joe will mention. It is basically a combination of the youth, the elders and every segment of our communities. We will welcome Joe now to go ahead.

Mr. Joe Guy Wood (Representative of Island Lake Communities of Garden Hill, St. Theresa Point, Wasagamack, and Red Sucker Lake): Thank you and good morning, guests. First of all, what I would like to know is, because I just came in, who is representing the Liberal Party.

Mr. Chairman: The Liberal Party is represented by Mr. Carr, the Deputy Leader, and by Mr. Gaudry, the Member of the Legislature for St. Boniface.

Mr. Joe Guy Wood: So Mr. Carr is the spokesman for the Party? I would like to pick on the different people who represent different Parties. So you are actually representing the Party at this meeting? Thank you. I know Mr. Gary Doer is and also Honourable James McCrae.

Mr. Chairman: We cannot hear you at all, sir. That is better.

Mr. Joe Guy Wood: All right. I am usually not very quiet. So, first of all, I would just like to say that when the presentation starts, there will be no interpretation because this will be the people's presentation. But before I start, I would like to talk to everybody here and I will need the interpretation because these will be my statements and this is not part of the—the only thing I want to say, and I will need Harry, is that I would like to dedicate this presentation to the wolf. As my cap indicates, this is a cry from the wilderness, this proposal, this presentation. Not only are we in the wilderness in a geographic sense, but we are still in the wilderness because we are not recognized in the circle of Confederation. We are still isolated from the decision-making that affects our lives as the first citizens of this country. So this is my dedication to the people's presentation that I am going to be reading.

You have to realize we were not given ample time to make a researched presentation, but this presentation is going to be coming from the heart. We have just taken notes on the discussions that have been happening for years from the people of Island Lake. We are just going to tell you what they are saying, and I guess sometimes it is more truthful to say it from the heart than to read it from the written text.

This proposal, this presentation, is going to be divided into six parts. The first part is going to indicate the people of Island Lake's position on the Meech Lake Accord. That will be the first part. The second part will deal with the concerns we have with the process of Meech Lake, the Task Force, etc. The third portion will deal with the concerns we have with the Canadian Constitution as it now stands, 1982. The fourth area we are going to be discussing with you are the concerns we have with the Meech Lake Accord, the way it is written, the contents of the Meech Lake Accord. The fifth item of concern we want to mention to you is other First Nations' concerns, in general. Then the second last part is going to be the recommendations we have on the Meech Lake Accord and the closing remarks.

You have to also keep in mind we are not using lawyers. This is coming from the people themselves.

So you will understand what we are talking about because sometimes we cannot understand what the lawyers are talking about, if they know what they are talking about sometimes.

Now the position, the Island Lake position on the Meech Lake Accord, it is in a resolution form so that we could outline some aspects of it and then our position.

WHEREAS as a Nation we have never surrendered our aboriginal rights, including the jurisdiction over our ancestral lands, nor have we surrendered our ability to pass laws with which to govern our people; and

WHEREAS Canada has a tradition, inherited from Great Britain, of acknowledging the sovereignty of aboriginal peoples. From the early days of the British settlement and Colonial rule, the Imperial Government dealt with the aboriginal people as if of a sovereign power, and this was proclaimed as law in the Royal Proclamation of 1763. Subsequent legislations following that recognized that relationship up to the point of the current legislation of the Canadian Constitution, Section 35;

WHEREAS we demand that our Treaty and aboriginal rights be recognized and protected in the Canadian Constitution; and

WHEREAS the Canadian Constitution has limited protection and recognition of our rights because of the inclusion of the word "existing" in Section 35 (1);

WHEREAS the First Ministers' Conferences that we have had - a couple of years ago - failed to amend the Constitution to address the First Nations' concerns; and

* (1130)

WHEREAS the Meech Lake Accord establishes a mechanism to renew the First Nations' constitutional aspirations; and

WHEREAS the Meech Lake Accord or what we call the 1987 Constitutional Amendment does not address the unfinished constitutional business of the First Nations;

WHEREAS the present form of the Meech Lake Accord further erodes the Treaty and aboriginal rights of First Nations and it is worse than the present Constitution of 1982 as it relates to Native rights.

THEREFORE—before we start anything on it—WE RESOLVE that we publicly display and renew our Declarations of First Nations.

I would like to stand up when I do that—the Declaration of the First Nations.

We, the original people of this land, know the Creator put us here.

The Creator gave us the laws that govern all our relationships to live in harmony with nature and mankind.

The Laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our freedom, our languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities, given to us by the Creator, cannot be altered or taken away by any other nation.

You see our leadership standing here? Mr. Gary Doer, as Leader of the New Democratic Party of Manitoba, I am authorized by the First Nations of Island Lake to request you to stand up and come forward and show your support and respect for the First Nations of Island Lake and their declaration, by using a traditional method of shaking of the hands of our leadership and affixing your signature to the declaration as a sign of friendship and cooperative existence between our two nations—Mr. Gary Doer.

(Mr. Gary Doer signs.)

Mr. Carr, as a representative of the Liberal Party of Manitoba, I am authorized by the First Nations of Island Lake to request you to stand up and come forward and show your support and respect for the First Nations of Island Lake and their declaration, by using the traditional method of shaking of the hands of our leadership and affixing your signature to the declaration as a sign of friendship and cooperative existence between our two nations.

(Mr. James Carr signs.)

Honourable James McCrae, as a representative of the Conservative Party of Manitoba and the Government of the Province of Manitoba, I am authorized by the First Nations of Island Lake to request you to stand up and come forward and show your support and respect for the First Nations of Island Lake and all First Nations across Canada and their declaration, by using the traditional method of shaking of the hands of our leadership and affixing your signature to the declaration as a sign of friendship and cooperative existence between our two nations.

(Mr. James McCrae declines.)

* (1140)

What are we going to do? People are demanding an explanation for why you have refused to sign the Declaration as a sign of friendship and cooperative existence.

Hon. James McCrae (Attorney General): Ladies and gentlemen, I am very pleased to extend the hand of friendship and cooperation on behalf of the Government of Manitoba and Premier Gary Filmon. The document on the table is not a document I have had the opportunity to see before this moment, nor is it a document the Premier has had an opportunity to see. So, therefore, I am not authorized to sign, but I am

certainly in a position today to bring greetings to you from the Premier, to bring the hand of friendship and cooperation, and to hear what you have to say to us today about the Meech Lake Constitutional Accord, along with my colleagues at this table.

As I say, I am pleased indeed to extend the hand of friendship, but I have not seen the document before today. Neither has our Premier, and I think it is a matter that needs to be done in the normal course of affairs in running a province, in governing a province, to sign documents only after they have been carefully examined.

Mr. Joe Guy Wood: This document has been prepared even before the constitutional conferences. This document has been given to all Government departments now and before. This is a document that is well circulated by everyone, so I am surprised that the Government has not seen some of the papers that we have produced for the Government to see.

Let it be known right across the nation if the media is going to carry the message from the representative of the Government. Who is the Attorney General in our province, who is to carry justice among the nations of the Province of Manitoba, that he feels that he cannot sign the document that is being circulated by the First Nations of this country? Upon himself he took the position to champion the cause and justice for the people, not only the First Nation but certainly to everyone in Manitoba. The document has been circulated, not only to Manitobans. Certainly the aspirations of our aboriginal people should have been on the table where there is a concern of any nation of this country. Let it be known our champion has failed to sign a document of good will. I am sorry that I have to participate to see this thing.

Some of the comments that have been handed to me from the people—

Mr. Chairman: Chief, may I interrupt? May I suggest that we are anxious to hear the views on Meech Lake. I would suggest that maybe, after Mr. McCrae has had a chance to look at the document, he then may be able to respond further. Why not be fair about this? He feels he cannot sign until he has read the document. Why do we not proceed with the discussions on Meech Lake and at the noon-hour break Mr. McCrae, I am sure, will be glad to take a close look at the document and we can re-examine this issue after lunch.

I ask you to proceed on that basis.

Mr. Joe Guy Wood: On the same context, this was a note that was given by the people on the content of trust. Our forefathers did not even get to read the document and affix their "X" on the Treaty. They signed in good faith and mutual trust.

Mr. Chairman: So, Chief, can we proceed, as I suggest, can we have Mr. McCrae have a look at the document over the noon break and then, if he wishes to respond further, let him do so? I understand your views but we are most anxious to hear your opinions on the Meech Lake Accord.

* (1150)

Chief Ken Wood: This declaration of the First Nations is in both languages. The only thing, it is not in French. But anyway we will give Mr. McCrae time to look at the document and, until such time as he is ready to comment, we will wait.

History has repeated itself, except this time we ask the Government to sign a piece of paper written in both languages, English and in Island Lake dialect.

When the federal Government sent his negotiator, Mr. Simmons, August 13, 1909, he failed to produce a document that was understandable and negotiated on those basis. Our forefathers, in good faith, received the negotiators and affixed their mark as written in English, witnessed by Mr. Simmons himself. Mr. Simmons retrieved the marks and went back to Ottawa, only to return with a document that is obscure, later written in the language that we had given all our title to the Colonial oppressors.

With good faith, I think the chiefs would give to Mr. McCrae his time to look at that document, and certainly an open line to communicate with the Premier of Manitoba. We will await to affix his signature in this room. We will give him time. He has an open line to—he has the telephone to consult with his (Interjection)-

Okay, we will break, give him ample time. When I say ample time—be basically about half-an-hour to 45 minutes.

Also, for the purposes of documentation, we have a fax machine here. He can fax that thing within minutes. That document could be in the hands of the Premier in a matter of minutes. Those two items are at his fingertips, the fax machine and the telephone open line to his caucus.

Mr. Chairman: Are we recessing, Chief, until 12:45? Thank you.

Mr. Harry Wood: He has a telephone. We will give him a telephone and, if he needs a fax machine, he must have access to those. While he is doing that, he will be escorted to the telephones. If he needs a fax machine, he will be escorted. We have security. Security, step forward so that we can have Mr. McCrae being escorted to the telephone, that he should have the privacy to communicate with his colleagues. The telephones are in the building.

RECESS

* (1327)

(On resuming the session, Mr. McCrae signs the Declaration)

Mr. Joe Guy Wood: Okay, we will complete this portion.

Mr. Chairman: Chief, I wonder if you would allow Mr. McCrae to make a short statement before we proceed.

Mr. McCrae: In the last few minutes, I have had occasion to bring to the attention of my Party Leader

the matters contained in the Declaration of the First Nations. It is with a great deal of pleasure after that discussion that I was able, a moment ago, to put my signature to the Declaration of First Nations. It is hoped that the signature will be seen as a reflection of my Party's desire to work together with all Canadians towards the acceptance of the goals set out in this document. Thank you for your reception on my return into the room. I appreciate it very much.

* (1330)

Mr. Joe Guy Wood: At this time, I request Chief Ken Wood of St. Theresa Point Band. He cannot walk, he has some problems. So we will allow him to sign this document, to witness the document, as keepers of friendship and cooperative existence between our people and your people.

At this time, I would like to request that Chief Isaiah Harper from the Garden Hill Band come forward and witness this document, as one of the keepers of this friendship and cooperative existence between the two nations.

I would now like to call on John A. Mason, the Chief of the Wasagamack Band, to come forward and witness this document as also one of the keepers of this friendship and cooperative existence between the two nations.

Now I would like to ask the Chief from Red Sucker Lake, Chief Joshua Harper, to come forward and witness this document as one of the keepers of this friendship and cooperative existence between the two nations.

Now I would like to ask—there is no dotted line in there—but I would like to ask Chief Michel, Philip Michel, the Chairman of all of the bands in northern Manitoba, to come and witness this historical event.

I think we should all stand up and give a hear, hear!

Okay, now there are certain things that have to be said about this. This is indeed an historical document, that the three Parties in Manitoba are going to work together for the benefit of the Native people in Manitoba. We will make copies of this and we will send this to all the Parties in Manitoba as their souvenir for this historic occasion, but we have only one historical pen and we will keep that in here as a reminder of what has happened today.

Mr. Harry Wood: That document will have a house for itself along with the pen. The keeper of this pen is the Garden Hill Chief, Isaiah Harper, along with the House.

Mr. Joe Guy Wood: Okay, it gives me great pleasure now to move along to the presentation of the people on the Meech Lake Accord.

Mr. Chairman: Excellent.

Mr. Joe Guy Wood: With those introductions on the position of Meech Lake Accord, the people of Island Lake say they cannot support the Meech Lake Accord in its present form. They recommend to the Task Force

certain changes in the Accord to address the concerns of the Native people, of the First Nations. The people in Island Lake are saying, if certain changes are made in the Meech Lake Accord, then the First Nations of Island Lake will fully support the Meech Lake Accord. This is the position of the people of Island Lake on the Meech Lake Accord.

Now some of our concerns, as I was telling you centuries ago—it seems like centuries ago, because we have passed through a historical stage of cooperation, but it was only two hours ago really. Some of the concerns we have with the process of the Meech Lake Accord is that there is no Native representation on the Task Force of Meech Lake in Manitoba.

No. 2, we were not given adequate time to prepare our presentation but we did the best we could. Also, we were a little concerned about the time that is allowed so that you can hear the people's concern on the Meech Lake.

* (1340)

We do not fully understand the process that is going to take place after you leave here. We understand you are going to be going to different communities in Manitoba and, when you have compiled your findings, what happens then is the concern that the people here have. Will this Task Force recommend changes to address some of the changes that they have to other provinces, or to the federal Government and to the Senate or, if this Task Force recommends any changes, does that mean the Meech Lake Accord is killed? We certainly want to establish this process and benefit from it. So we are concerned we do not understand what process is going to be taking place.

We are told through the press—by the media—that the federal Government is requesting Manitobans, people in Canada, that they should pass this amendment and make changes later. We are not that naive in Island Lake to believe this. This is the lie that has been used towards the Native people and now they want to treat other Canadians the same way. We strongly advise Canadians not to go this route because Canadians will suffer greatly, as a result of this, if we pass it and depend on changes later.

We are also concerned about the present Constitution 1982, and I would like to outline some of those that have been presented by the people.

The First Ministers' Conference on the Constitution did not make any amendments on the aspirations of Native people. We are starting to believe that the FMC happened only for the Governments to fulfill the constitutional requirement of Section 35 in the 1982 Constitutional Act. We do not know if there is any good faith that was shown.

The present Canadian Constitution does not recognize Native self-government and self-determination. The word "existing" after "rights" in Section 35 diminishes the inherent, the Treaty and aboriginal rights of First Nations.

The other part that we are concerned about in the present Constitution is the notwithstanding clause. As

a matter of fact, jokingly in Island Lake, sometimes we refer to it as a "not understanding clause." Notwithstanding clause is the detriment to Native people because, even if we win our case in the Supreme Court, the notwithstanding clause could be used to continue to violate our rights, and we have experienced that in another province just recently. The Constitution does not recognize the First Nations as a "distinct society" and a fundamental characteristic of Canada.

And the last concern we have on the Constitution, we have many more but for the time, the circle of Confederation will never be completed until the Natives, until the First Nations in Canada are fully recognized, even if Quebec signs the Constitution.

Here are some of the concerns we now have with the wording of the Meech Lake Accord as it presently stands. We are having one heck of a time with the word "fundamental characteristic of Canada," that it is only English and French.

This section is offensive to the First Nations of Canada in Island Lake and it should also be offensive to other nations of people in Canada. We live in the multicultural mosaic of Canada and I think we should all be recognized as a fundamental characteristic of Canada, so we have problems with that section.

Now the "distinct society" clause, there is absolutely nothing wrong with Quebec being recognized as a "distinct society" within Canada, provided that other nationalities in other provinces or in Quebec are constitutionally recognized as "distinct society" in Canada, and that recognition does not jeopardize the rights of other nationalities to exercise their inherent rights.

At the last First Ministers' Conference, we were denied the recognition of a "distinct society" in Canada because of the so-called definition problem. Gee, that definition problem certainly disappeared pretty fast in a couple of years that 10 provinces and the Prime Minister signed the Meech Lake Accord with that same clause applying to Quebec. We are having a problem with that. This is indeed a double standard and unequal treatment between the two nations of people or between all nations of people in Canada.

Now the other section which describes the powers to Quebec to protect "distinct society," that is something people have to look at. We believe there was a gross abuse of power by Quebec in the language question. When Bill 101 was declared unconstitutional, Premier Bourassa overrode the Supreme Court decision using the notwithstanding clause in the Canadian Charter of Rights and Freedoms. He bragged later, if the Meech Lake Accord was passed, he could have used the "distinct society" clause that is written in the Meech Lake Accord.

We, the people in Island Lake, are concerned that the Governments might create a Government within our country that violates human rights that we hear about on TV every night. Now, I ask Canadians and I ask you, is the price of Quebec's signature on the Constitution worth the price we might have to pay later in terms of human sufferings and violation of basic human rights?

On the "distinct society" clause, the difference between the First Nations interpretation of the "distinct society" clause is that we will co-exist with other nations with respect to their rights. That is the basic difference between our "distinct society" clause that we presented at the First Ministers' Conference and what is here in the Meech Lake Accord.

* (1350)

We are concerned about the section on immigration. In Island Lake, for example, there is 98 percent unemployment. I don't even have a job, as is with 98 percent of us here, and we are getting people from other countries to come here. Maybe we should look after our people first here. Quebec, again, on the Meech Lake Accord has special privileges above other provinces in that area.

The other section, where the provinces are given the right to appoint Supreme Court judges, holds some problems for us. What happens if one province does not support the Native issues? Because most of these issues are handled in the court of law, the judge who is unsympathetic to Native people could be appointed, and there will never be a realization of the rights of Indian people.

The opting-out provision and the Meech Lake Accord also have great concerns for us, because we have a relationship with the federal Government. As Native people, as First Nations, there are programs that we get from the federal Government. If Meech Lake Accord goes through, the sections that give the rights for the province to reject these federal programs can be very drastic to the way we have a relationship with Canada. So that is the problem.

The amending formula, as described in the Meech Lake Accord, also presents major problems. In the Constitution of 1982, seven provinces and 50 percent of the population—

(A water pipe broke in the hall and the gymnasium flooded.)

(The assembled company began evacuation of the room.)

Mr. Chairman: Chief, I think we should take a recess until we get this sorted out over here. All right?

Mr. Harry Wood: We will recess.

HEARING RECESSED AT: 1:55 p.m.

(After an hour's delay, the hearing resumed outdoors. By agreement, with the Chiefs present, the Chairman received various briefs which could not be presented in oral form. These briefs are printed below. The Chairman addressed this outdoor session with the promise that the Task Force would consider all the briefs presented carefully. Following the Chairman's statement, and concluding remarks by the Chiefs, the Task Force Members shook hands with some 500 people assembled and thus bade farewell to the communities of Island Lake.)

HEARING ADJOURNED AT: 3:45 p.m.

WRITTEN SUBMISSIONS PRESENTED BUT NOT READ

The following is the completion of the presentation made by JOE GUY WOOD, representative of Island Lake Communities of Garden Hill, St. Theresa Point, Wasagamack, and Red Sucker Lake

8. Amending Formula - In order to amend the Constitution all 10 provinces, the federal Government and Senate must agree. We prefer the present formula. It will be very difficult to obtain unanimous consent of Parliament and the provincial Legislatures on any issue. Any one province will have veto power on Treaty and aboriginal rights. This is totally unacceptable. If the Meech Lake Accord is accepted as is, we see no amendment to recognize the aboriginal aspirations in the Constitution in the future. No improvements can be made to Section 35. We will be locked in. This section will be used for political games because attempts will be made to remove Section 35 but one province will act as "native saviour" as a ploy so that Natives do not lose all faith in the system.

9. Transfer of Federal Power - We agree with the joint aboriginal national aboriginal statement which reads:

It is clear from the terms of the Meech Lake Accord that there will be a major shift towards increased provincial power and control. This significant move towards greater decentralization within Canada will continue when the Second Round First Ministers' Conferences take place.

If federal powers are to be increasingly weakened in favour of the provinces without including aboriginal protections, we believe that the ability of the federal Government to exercise its trust responsibility, at least in practical terms, under Section 91(24) of the Constitution Act, 1867 will be significantly eroded.

10. Constitutional Conference on Fisheries - It is proposed that a Constitutional Conference be called to discuss items like fisheries. There is no mention of Native people's participation in these conferences that effect our lives. We demand an active role in any future constitutional conferences that deal with any aspect of our existence.

V. Other Concerns of the First Nations

1. Traditional role of central or federal Government will be changed. Decentralization proposed by Meech Lake will reduce the role of the federal Government and it will have a drastic effect on our traditional relationship between the First Nations of Canada and the federal Government. Meech Lake Accord will undermine Section 91(24) which delegates sole responsibility of First Nations to the federal Government.

2. In the American experience of 1871, history has illustrated that when the Government is unable to fulfill its national legislated and Treaty obligations to Indian people, it has sought to terminate those obligations rather than addressing the real cause which limits its means for fulfillment. Meech Lake Accord will impair

the ability of the Canadian Government to meet its legal and treaty obligations to the First Nations. This is a serious problem for us.

3. The suggested constitutional amending formula will make it very difficult to change the Constitution to address future needs because one province could hold the rest of the country as hostage because of its veto power. One province could make unrealistic demands and our central Government and the provincial Government's constitutional responsibilities could be undermined.

4. The Meech Lake Accord will weaken the moral authority of the national Government to make decisions on matters of national interest because of the powers of the province to appoint Senators and Supreme Court judges. It will create new centres of provincial powers. This will weaken the central Government's capacity to address national concerns. The federal Government must be strong enough to act decisively on behalf of the whole nation.

5. The rights of citizens for all Canadians must be protected wherever you are in Canada. With the passage of Meech Lake Accord, the assurance that the Charter of Rights and Freedom will apply to every Canadian citizen from every national background can not be guaranteed.

6. There is no mention of the First Ministers' Conference to address aboriginal issues. Economic First Ministers' Conference is mentioned but no aboriginal participation. We have grave concerns in First Ministers' Conferences dealing with issues directly affecting First Nations, such as fisheries.

7. Our brothers and sisters to the north are discriminated against since they cannot create their provinces like the white-majority populated areas to the south. The proposed formula prevents creation of a province unless all the provinces agree.

VI. Recommendations

1. We support the National Chief, George Erasmus, that the following be included in the Meech Lake Accord:

- explicit recognition of aboriginal people as distinct societies which constitutes another fundamental characteristic of Canada;

- a renewed Constitutional process to deal with Treaty and aboriginal rights;

- a) removal of the word "existing" from Section 35(1)

- b) explicit recognition of aboriginal total and the inherent right to self-government in addition to a framework for the establishment of aboriginal self-government

- Aboriginal participation in other First Ministers' Conferences on matters which affect them.

- A guarantee that opting-out provisions will not keep First Nations from access to national programs or administration of such programs for themselves.

- Exclusive federal approval of the creation of new provinces.

2. If Meech Lake is passed as is, we recommend that the First Nations challenge the Accord in the Supreme Court and declare that Prime Minister Brian Mulroney and the 10 Premiers who sign the Meech Lake Accord has acted unconstitutionally in signing the Accord. We request the Canadian public to support us in our court action.

3. We recommend that a national and provincial effort be made for aboriginal language retention. These languages are the only true distinct languages of this country. They must be preserved and must be recognized as a major national significance. This is our country's heritage, it must be preserved.

4. We specifically recommend that changes be made in the Meech Lake Accord in the following areas:

1. English and French fundamental characteristics of Canada;
2. Distinct society clause;
3. Quebec's power to protect its distinct society clause;
4. Immigrants;
5. Senate;
6. Appointment of Supreme Court Judges;
7. Provision for opting out on national programs;
8. Amending formulas;
9. Transfer of federal powers;
10. Constitutional Conference on Fisheries

In conclusion I would like to make three statements:

First, our partnership in the Canadian Confederation must be acknowledged in the highest law of the land. As yet, the aboriginal Governments are not included in the country's constitutional framework. Until this takes place, the full opportunity of renewed federalism can never be authentically realized.

Secondly, through our experience as Native people, the justice system has been a detriment to our continued existence and development of our people as a nation of people. The resolution of the Native people's concerns does not lie in the judicial process. The solution lies in the political process. Therefore, the politicians must correct the injustices that has been done towards the Native people. There must be a political will to bring the Canadian aboriginal people into the circle of Confederation as full contributing members of our country.

Third and lastly, the continual negative treatment of Native people by both Governments is a problem. During my father's age and my age group, we establish forums such as this for dialogue in our attempt to correct the injustices towards the Native people. We are getting tired and we are getting old. We do not know how long we can contain the patience of our young people until their frustrations explode.

Thank you!! Aye-Koo-See!!

ACKNOWLEDGEMENTS

To the Island Lake Regional Committee on Meech Lake Accord that was appointed by the Chiefs and Councils of the four communities to consult with the members of the communities and develop a position.

Mr. Zack Harper - Garden Hill Band
Mr. Ed. Wood - St. Theresa Point Band
Mr. Louie Harper - Wasagamack Band
Mr. Eli Harper - Red Sucker Lake Band

The Chiefs of the Island Lake Region would also like to say a special thanks to the members of the Bands, both young and old, who have spent long hours at community and regional meetings to strategize and gather information for this presentation.

Last, but not least, the Chiefs wish to thank all those people, too numerous to mention, by name who have worked on this project. These are organizers, chairmen of meetings, researchers, writers, elder-advisors, communication people, drivers, babysitters, placard designers, cooks - just to mention a few.

To each and every member of Island Lake, we acknowledge and appreciate your contribution.

Presented by Nellieane Cromarty

Mr. Chairperson, Mr. Fox-Decent and Members of the Task Force, Honourable McCrae, Honourable Carr, Honourable Doer and Ladies and Gentlemen.

I am a Native woman, I am a mother like many mothers in this community. I speak on behalf of the mothers, the sisters, the daughters of Island Lake.

We, the Native women, have been taught by our mothers, grandmothers to uphold our traditional values and culture for they were sacred—our faith and our lives.

We, the Native women, were responsible to pass these Native traditions on to our children, and our children's children.

We have been taught by our elders to respect, and utilize all natural resources of our country. What nature provides for us to survive in our country has always been considered sacred, again to be passed on to our children.

We were forewarned by our forefathers that there will be a time that we would encounter a different way of life, and that we would still be responsible to carry on our duty. They told us that there would be difficult times and hardships as we try to keep our traditional culture. Strange happenings were going to come our way. They had their own way of describing of what was to come, and we did not fully understand. However, they did not fail to prepare us well through their teachings. When we did encounter these difficult changes in our lives, we understood, and followed their advice on how to live harmoniously with these changes. Love for mankind was our key.

We did not see the changes as a threat, for it came about as a Treaty between our nation and another nation. We were prepared to share our abundance of resources that the Creator had put on our country to be utilized by mankind. We had thought that the same would be done to us in return. Promises were made that this would be so, and were signed as such.

However, we have now found ourselves standing and looking at our children and wondering what the future

holds for them, for we now see that what has been promised to us for our children has gradually been broken. We find ourselves still holding our faith to those promises. A piece of paper indicating that this was a full agreement to keep those promises was left in our hands to prove that we must be in full faith with these promises.

That piece of paper is still on our hands, however, changes were made that we were unaware of. All of a sudden, we must tell our children that they no longer have a right to utilize the resources provided by the Creator. Whatever promises that were made to live harmoniously with the other nation are no longer there. What do we tell our children's children? They can no longer enjoy the livelihood, and the traditional way of life that we have enjoyed. They must now negotiate with the other nation to keep its promises. We kept ours, and what about the other nation?

And now we ask: "When are we going to see changes for the better?" We still have love and faith in mankind. We ask YOU to remember us as you make changes in your promises. Make them better for all. Do not take all that one has, to better the other.

WE ALSO HAVE A RESPONSIBILITY TO BRING OUT A NATION, A NATION THAT WILL LIVE SIDE BY SIDE WITH YOURS.

RED LAKE YOUTH PRESENTATION TO TASK FORCE

Presented by Brian Harper

History teaches Canadians that the French and English were the founding nations of Canada soon after the arrival of the first white men, as First Nation knew them, whether they be French or English. First Nations found these original "boat people" washed up on our shores and in true friendly gesture invited them to our communities and educated them how to maintain their livelihood. Canada was never lost for Canada to be found by either French or English white people, for First Nations have lived here for centuries.

Yet Treaties were agreed upon and thus the First Nations gave up land in return for the Commonwealth to look after the affairs of the First Nations. We will not bore you on how Treaties have not been kept but rather that the Task Force present will listen to concerns that the Red Sucker Lake youth have concerning Meech Lake Accord.

Our elders and leaders have always taught us to respect elders and leaders of our community and it burdens our hearts that our national Chief of the Assembly of First Nations of Canada has not and will not be present whenever the Prime Minister of Canada and First Ministers of each province discuss issues concerning First Nations well-being. We, the youth of Red Sucker Lake First Nation recommend that Native participation at constitutional talks be honoured. This recommendation is based upon our belief and trust in our leadership in the Assembly of First Nations of Canada.

GARDEN HILL YOUTH COUNCIL

presented by Roni Monias

Good afternoon, ladies and gentlemen and honourable guests.

We, the aboriginal Youth Council of Garden Hill, would like to welcome the Meech Lake Task Force to our community.

We, the Youth Council of Garden Hill, oppose the Meech Lake Accord as it stands but we want amendments to it. We feel this Accord will jeopardize our hunting, fishing and trapping rights. Furthermore, this Accord then will jeopardize our future as youth to carry out the traditional values and way of life our ancestors have left for us.

The Canadian Government speaks of how this Accord has no losers. Also, the Canadian Government speaks of how no one is left in the cold. Also, the Canadian Government speaks of how Canada will be united as one.

Well, we have news for the Government of Canada. It is the aboriginal people of Canada that will be losers. It is the aboriginal people of Canada who are left out in the cold. It is the aboriginal people of Canada that are forced to be separated from the rest of Canada.

In the past, unity and cohesion were an integral part of our lives in order for our existence as Canada's First Peoples. Now we hear the Government of Canada speak of unity.

Furthermore, our children are our future. We, the youth, will not simply stand by and watch this injustice take place. We will act in a probable, aggressive manner.

The youth will now stand up and be a helping force for the First Peoples of Canada. We will strive for the goals our ancestors have in the past strived for.

Today we, as aboriginal peoples of Canada, are faced with this issue on Meech Lake. What exactly is Meech Lake? It is probable, however, that most aboriginal people do not know this Accord. This is simply an example of the communication gap between the Government of Canada to its First Peoples.

Now where do we go from here? The future looks quite unpredictable for the aboriginal youth of Canada, but through collective strength our voices will be strong and unified which will be heard as far as the loon's cry.

Our cultural identity is now beginning to resurface. Now the Government of Canada wants to abolish it. It is because once the First Peoples of Canada regain the cultural identity we will become a powerful nation. Not the Government of Canada nor will anyone stop this resurfacing of cultural identity. This is where the aboriginal people of Canada are heading to regain our pride and dignity as Canada's First Peoples. We then demand that the Meech Lake Accord be amended with direct consultation with the aboriginal peoples of Canada.

Thank you.

MANITOBA KEEWATINOWI OKIMAKANAK

Presented by Chief Philip Michel

Mr. Chairman, on May 27, 1987, our national Chief, Georges Erasmus, signed a letter along with leaders of the Inuit Committee on national issues, the Native Council of Canada, and the Metis National Council, to the Prime Minister expressing our concerns about the Meech Lake Accord. That letter is attached to the submission and will be read into the record. When the Meech Lake text emerged, we found that First Ministers had dealt with aboriginal concerns simply by inserting a general clause number 16 intended to protect the interests of the aboriginal peoples from the proposed Section 2 of the Constitution Act, 1867, i.e., "the Quebec distinct society" interpretation clause.

This was the barest minimum that the aboriginal leaders had advocated, and the fact that we got the bare minimum seems to reflect the attitude of First Ministers to do the "bare minimum" in dealing with the rights of the aboriginal peoples. For five years we were engaged in constitutional discussions, and it is this "bare minimum" attitude that prevailed throughout the process.

The concerns that we have with the Meech Lake Accord and possible amendments are numerous, Mr. Chairman, and Members of this committee. But before detailing those concerns I must remind you that the Assembly of First Nations, our national organization, is on record as stating its support for Quebec's aspirations to be a functioning partner in Confederation.

However, two points must be made with regard to our support. First, the circle of Confederation is not complete simply with the entry or re-entry of Quebec alone into the Canadian family. The circle will only be complete when the rights of the aboriginal peoples of Canada are unequivocally expressed and protected in the Constitution, and when the relationship between the First Nations and the rest of Canada is respected.

Secondly, it is our strongly held position that any arrangements or agreements struck by the federal and provincial Governments must not, implicitly or intentionally, diminish or prejudice the rights or status of the First Nations of Canada. I cannot stress that strongly enough.

THE ISSUES:

Mr. Chairman, it is not my intention to enter the debate about legal terms or theory. I will raise the issue here in general terms but will, along with the executive Chiefs of our organization, make a more detailed submission at the hearings in Thompson, Manitoba.

QUEBEC AS A DISTINCT SOCIETY:

We, of the First Nations, are concerned with the practical effects of the expressed recognition of Quebec as a "distinct society" for several reasons:

1. It perpetuates the idea of a duality in Canada and strengthens the myth that the French and

the English people are the foundation of Canada. It neglects the original inhabitants and distorts history. It is as if the peoples of the First Nations never existed.

2. It suggests that historically, and presently as well, the French peoples in Quebec form the only "distinct society" in Canada.
3. The amendment fails to give explicit constitutional recognition to the existence of First Nations as "distinct societies" that also form a fundamental characteristic of Canada. If anybody is more "distinct", surely it is the peoples of the First Nations who are more "distinct"!
4. In the Province of Quebec, how will the interpretation of Quebec as a "distinct society" affect the aboriginal and treaty rights of the peoples of the First Nations living in that province? Will this create a checkerboard across Canada as to how rights may be exercised in various provinces? Does Section 16 provide sufficient protection to prevent the possible override of Quebec's aspirations over aboriginal rights?
5. We were told for five years that Governments are reluctant to entrench undefined self-government of aboriginal peoples in the Constitution. Yet, here is an equally vague idea of "distinct society" unanimously agreed to and allowed to be left to the courts for interpretation.

SPENDING POWERS:

Let us turn now to spending powers. If national programs are established in the future in areas of exclusive provincial jurisdiction, uneven standards could result in different parts of Canada if one or more provinces opt out. An opting-out province does not have to meet national criteria or standards in its own program, but only has to undertake its own "initiative" or program "compatible with national objectives."

Now, Mr. Chairman, I do not have to tell you or the honourable Members that appropriate socioeconomic programs are vital to aboriginal communities. Our experience shows that when provincial Governments choose to deliver services or programs to First Nations—be they national or provincial programs—they fall far short of what we need. And what if we want to run our own programs consistent with self-government? We have no constitutional assurance that the federal Government would exercise its power under Section 91(24) to facilitate a particular program for First Nations who do not wish to take part in a provincial program, and who may not want to administer their own programs.

Nor is there any guarantee that all of the "reasonable compensation" received by an opting-out province from the federal Government would, in fact, be used for the same overall purpose as the national program.

IMMIGRATION:

What about the proposals on immigration? Under these proposals any province and the federal Government can get together and decide on the level of immigration into the province. What happens if hundreds or thousands of immigrants are directed into areas where there are unsettled land claims by aboriginal peoples? Suppose, for instance, the Government of British Columbia and the federal Government decide to settle thousands of immigrants in the Nass Valley, while the Nishga land claim and title are yet unresolved? Or the Queen Charlotte Islands?

AMENDING FORMULA:

Another major concern, Mr. Chairman, is the proposed amending formula. According to the Meech Lake Accord, the creation of new provinces will, in the future, require the unanimous consent of Parliament and the provincial Legislatures. Aboriginal peoples and others in the Territories will not be able to determine their own political destiny. This is a denial of self-determination. Any single province will have the power to veto the establishment of new provinces for any reason, especially if you look at the situation in the context of the possible extension of existing provinces into the Territories.

We are concerned that the concept of unanimity, under the guise of cooperative federalism, or as it has been called, executive federalism, is slowly becoming a constitutional convention. Over the past five years, we have not been able to achieve even majority support for our constitutional aspirations using the Section 38 formula, never mind unanimous consent. If the concept of unanimity were to apply to any future amendments to clarify aboriginal and treaty rights, or provide for the explicit recognition of aboriginal self-government, our experience shows that amendments would be impossible. We might as well forget it.

Now, coming back to the proposed amendment, Mr. Chairman, do you know that repeal of the formula for creating new provinces, 42(1)(f) of The Constitution Act, 1982, is an item on the agenda of the 1983 Accord on aboriginal rights? And this item was never fully addressed! Yet, at Meech Lake, First Ministers had no difficulty reaching an agreement on this matter to the detriment of aboriginal people and others in the Territories, and in our absence.

SECOND ROUND:

Mr. Chairman, the next items on any FMC agenda should be aboriginal and Treaty rights. The longer the process goes on dealing with other matters, the more our rights are being compromised. The 1983 Constitutional Accord agenda on aboriginal matters must still be completed.

The Prime Minister repeatedly suggests that an FMC on aboriginal matters would be convened if it could be shown that the necessary consensus for a constitutional amendment on self-government can be

attained. Yet, no similar condition has been imposed on First Ministers who wish to discuss provincial concerns at future FMCs, despite the lack of agreement on some of those concerns in the past. Why is there this double standard?

It is vital that aboriginal peoples participate in all matters affecting them at future FMCs or else risk the very real possibility that aboriginal rights, interests, status and aspirations, are further undermined. It is incredible that the First Ministers are planning to discuss fisheries in the absence of aboriginal peoples when everyone in Canada knows that fishing is an aboriginal right—confirmed in many Treaties—and is an industry in which several First Nations earn their livelihood. The Court of Appeal of British Columbia recently affirmed that aboriginal right.

DECENTRALIZATION:

Mr. Chairman, many constitutional experts and lawyers have made it clear from the terms of the Meech Lake Accord that there will be a major shift towards increased provincial power and control. This significant move towards greater decentralization within Canada will continue when the second round First Ministers' Conferences take place. Why else would Newfoundland put fisheries on the agenda?

If federal powers are to be increasingly weakened in favour of the provinces without including aboriginal protections, we believe that the ability of the federal Government to exercise its moral and legal responsibility in practical terms under Section 91(24) of The Constitution Act, 1867, will be significantly eroded whatever The Constitution Act, 1867, says.

RECOMMENDATIONS:

Mr. Chairman, for the reasons I have stated, the Manitoba Keewatinowik Okimakanak would like to make the same proposals as the Assembly of First Nations in relation to these amendments:

1. There must be explicit recognition of aboriginal peoples as "distinct societies" which constitute another fundamental characteristic of Canada.
2. There must be a renewed constitutional process specifically dealing with Treaty and aboriginal rights. Our agenda is unfinished. The process should continue until the agenda is complete.
3. There must be participation of aboriginal people in other FMCs on the Constitution on matters that directly affect us.
4. There must be a guarantee that opting-out provisions in the proposed amendments will not in any way prevent First Nations from access to any national program, or prejudice our right to administer such programs for ourselves. Section 106A(1) should not be allowed to affect 24 or 35 of The Constitution Act, 1982, or 92(24). Similarly, those sections should be protected from the immigration proposal in Section 95(A).

5. Section 41(l) in Article 9 in the Accord should be removed. There is no valid reason which justifies unanimity in the establishment of new provinces. If that were to become the rule, it would be almost impossible for new provinces to be created. The creation of new provinces should be a matter of exclusive federal approval.

In concluding my remarks, I would like to read into the record the letter of the aboriginal summit leaders sent to the Prime Minister on May 27, 1987.

NATIONAL ABORIGINAL SUMMIT

Assembly of First Nations Inuit Committee on National Issues

Metis National Council Native Council of Canada
May 27, 1987

The Right Honourable Brian Mulroney
Prime Minister of Canada
Room 309, S. Centre Block
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Prime Minister:

We wish to convey our grave concerns regarding a number of key elements in the Meech Lake Accord. It is our firm view that in many instances the constitutional amendments arising out of the Accord will have, or are likely to have, severe consequences for Canada's aboriginal peoples. These fundamental problems must be satisfactorily addressed prior to entrenching proposed amendments in the Constitution.

The purpose of this open letter is:

- (1) to highlight some of the major adverse impacts of the Accord on aboriginal peoples;
- (2) to emphasize our support in principle for Quebec and for appropriate constitutional consensus within Canada; and
- (3) to put forward proposals that accommodate aboriginal concerns, without impeding equitable constitutional agreement towards a stronger and more united Canada.

1. Adverse Impacts of Meech Lake Provisions

In your April 29 response to the request of the four national aboriginal organizations to participate in the Meech Lake constitutional negotiations, you denied us the crucial opportunity to protect our basic rights and interests. The main reason you gave for this denial was that the "meeting will not have a direct bearing on aboriginal or treaty rights, or on Governments' relationships with Canada's aboriginal peoples".

Developments at Meech Lake on April 30 have shown that mere assurances from Government are never enough. Further, despite the federal trust responsibility concerning aboriginal peoples, the federal Government failed to prevent the far-reaching impacts of the Meech Lake Accord from affecting the rights and status of aboriginal peoples. If the Meech Lake Accord proceeds unaltered, the prospects for our future socioeconomic,

cultural and political development within Canada will likely be substantially diminished.

The adverse consequences we foresee include:

- (i) Untenable distortion of Canada's history. Canada is to be described in the Constitution in terms of French-speaking and English-speaking Canada. This dualism is to be entrenched as "a fundamental characteristic of Canada" to be preserved by Parliament and the provincial Legislatures.

By omitting appropriate reference to aboriginal peoples and our languages and cultures, the historical reality of Canada will be further distorted in Canada's Constitution. The elevation of the status of your own culture and the glaring omission of the original peoples of this country from this essential constitutional context can serve to seriously affect future interpretations of our own status and rights. Moreover, such a narrow view of Canada in only English and French terms serves to encourage unacceptable attitudes of assimilation in regard to aboriginal cultures.

- (ii) Inadequate recognition of Canada's distinct societies. It is acceptable that explicit constitutional recognition of distinct societies within Canada be unfairly limited to Quebec. This could lead to a future interpretation that, for constitutional purposes, aboriginal societies are not distinct or else they would have been expressly identified along with Quebec (Francophones) in the Constitution.

As you would agree, the continued existence of our distinct societies within Canada is a compelling basis for ensuring aboriginal self-government, which you and other First Ministers claim to support. By omitting proper reference to our distinct aboriginal societies, you are unnecessarily subjecting us to possible adverse political and legal consequences in the future.

The Constitution should accurately reflect historical realities, namely, that the historical and continuing presence of aboriginal peoples is also a fundamental characteristic of Canada. We too constitute distinct societies.

- (iii) Impact on decentralization. It is clear from the terms of the Meech Lake Accord that there will be a major shift towards increased provincial power and control. This significant move towards greater decentralization within Canada will continue when the Second Round First Ministers' Conferences take place.

If federal powers are to be increasingly weakened in favour of the provinces without including aboriginal protections, we believe that the ability of the federal Government to exercise its trust responsibility at least in practical terms under Section 91(24) of the Constitution Act, 1867 will be significantly eroded.

- (iv) Provincial opting-out of national share-cost

programs. If national programs are established in the future in areas of exclusive provincial jurisdiction, uneven standards may result in different parts of Canada should one or more provinces opt out. An opting-out province does not have to meet national criteria or standards in its own program, but only has to undertake its own "initiative" or program "compatible with national objectives."

Appropriate socioeconomic programs are vital to aboriginal communities. Yet there is no assurance that aboriginal peoples within provinces that opt out of national programs would still have access to national programs. Nor is there any guarantee that all of the "reasonable compensation" received by an opting-out province from the federal Government would in fact be used for the same overall purpose as the national program.

- (v) Opportunities for provincehood in the Territories virtually eliminated. According to the Meech Lake Accord, the creation of new provinces (S.42(1)(f)) will in the future require the unanimous consent of Parliament and the provincial Legislatures. Aboriginal peoples and others in the Territories will not determine their own political destiny. Any single province will have the power to veto the establishment of new provinces.

Why are First Ministers entrenching this injustice in the Constitution? Repeal of S.42(1)(f) of the Constitution Act, 1982 is an item on the agenda in the 1983 Constitutional Accord on Aboriginal Rights, although the issue was never fully addressed. At Meech Lake, First Ministers had no difficulty reaching an agreement on this matter to the severe detriment of aboriginal peoples in the Territories and in their absence.

- (vi) Senate reform hopes dashed. While aboriginal self-government continues to be a foremost priority, Senate reform has also been viewed by many aboriginal groups as a possible means of providing aboriginal representation in Canada's political institutions. However, the proposed unanimous consent of Parliament and the provincial Legislatures may make satisfactory reform of the Senate unattainable.

Should Senate reform actually take place, provinces would likely use their veto power in a manner that ensures increased provincial control, rather than guaranteeing aboriginal peoples adequate and direct representation.

- (vii) Future FMCs exclude aboriginal peoples. As already indicated, future First Ministers' Conferences on the Constitution and on the Economy will likely serve to further consolidate provincial powers and control.

It is vital that aboriginal peoples participate in all matters affecting them at future FMCs or else

risk the very real possibility that aboriginal rights, interests, status and aspirations may be further undermined. For example, we find it incredible that the First Ministers are planning to discuss fisheries in the absence of aboriginal peoples when every Government in Canada knows that fishing is an aboriginal, and in some areas, a Treaty right.

The Prime Minister repeatedly suggests that a FMC on aboriginal matters would be convened if it could be shown that the necessary consensus for constitutional amendment can be attained. However, no similar condition has been imposed on First Ministers who wish to discuss provincial concerns at future FMCs, despite the lack of agreement on some of those concerns in the past.

It is important to emphasize that the aboriginal agenda set out in the 1983 Constitutional Accord on Aboriginal Rights must still be completed. At the same time, we firmly believe that FMCs on other fundamental issues in Canada are likely to result in profound impacts on aboriginal peoples. Therefore, we request our direct involvement in such talks. Presently, we urge First Ministers to ensure our participation in the upcoming First Ministers' Conference concerning the Meech Lake Accord.

II. Support for Quebec and Federal Provincial Consensus

It is important to emphasize that the aboriginal peoples of Canada have consistently encouraged and continue to encourage Quebec's full participation in the constitutional reform process. Further, we fully support the achievement of federal-provincial consensus in Canada.

At the same time, we wish to make clear that the rights and status of aboriginal peoples must not be prejudiced in any way whatsoever, if and when First Ministers reach agreement on any constitutional or other fundamental matters.

For many months, the Aboriginal Peoples of Quebec Task Force on the Constitution has requested meetings with the Quebec Government to discuss Quebec's constitutional positions and their potential effects on aboriginal peoples. These requests for meaningful consultation were repeatedly ignored or denied.

III. Proposals to meet aboriginal concerns

Aboriginal leaders remain convinced that major aboriginal concerns can be readily accommodated within the framework of the Meech Lake Accord.

The solutions we put forward for further consideration include:

- i) explicit constitutional recognition of aboriginal peoples as distinct societies that also constitute a "fundamental characteristic of Canada";
- ii) a guarantee that the constitutional amendments arising out of the Meech Lake

Accord will not abrogate or derogate from the rights or status of aboriginal peoples, or from S.91(24) of the Constitution Act, 1867 or S.25 and Part II of the Constitution Act, 1982;

- iii) a guarantee that the opting-out provisions do not in any way prevent aboriginal peoples from access to any national programs, or that their right to administer such programs for themselves is not prejudiced;
- iv) repeal of S.42(1)(f) of the Constitution Act, 1982 so as to allow the creation of new provinces in the Yukon and NWT to be determined by the people in the Territories and the federal Government;
- v) direct participation of aboriginal peoples in Second Round FMCs on matters that affect them;
- vi) direct participation of aboriginal peoples in the negotiation of constitutional provisions arising out of the Meech Lake Accord on matters that affect them;
- vii) inclusion of a timetable for resumption of FMCs on aboriginal and Treaty rights (as partly set out in the unfinished agenda in the 1983 Constitutional Accord on Aboriginal Rights).

As we have demonstrated in this open letter, the Meech Lake Accord will likely give rise to far-reaching and prejudicial impacts on Canada's aboriginal peoples. We are committed to take the necessary measures with First Ministers to avoid these consequences.

We believe that the Constitution must stand as a symbol of hope and inspiration for aboriginal peoples, as well as for other peoples of Canada. It must not be converted by First Ministers, whether intentionally or not, into an instrument that limits or oppresses us. It must not be made so rigid as to perpetuate the status quo and deny aboriginal peoples equitable social and political development.

The Canadian public, churches, national labour unions and others continue to urge Governments to deal openly and fairly with the aboriginal peoples of Canada. We deeply appreciate this broad support. The question that remains, however, is whether the First Ministers of this country have the courage, conviction and political will to ensure the rightful place of aboriginal peoples in Canada and not continue to perpetuate injustice.

Yours sincerely,

Georges Erasmus
Assembly of First Nations

Zebedee Nungak
Inuit Committee on National Issues

Louis (Smokey) Bruyere
Native Council of Canada

Sam Sinclair
Metis National Council.

ST. THERESA POINT YOUTH COUNCIL

Presented by Mr. Stewart MacDougall

It is the understanding amongst the First Nations youth, our great-grandparents signed the treaty for the sake of the unborn and the future generations to come. In return for their land, they were given white man's pound of lard and five dollars, which has little value in today's market. Our grandparents were told that their future generations will be looked after (e.g. education, right to utilize natural resources) for as long as the river flows, the sun shines, and the grass grows.

Our elders have taught us to learn how to respect the land, nature and other cultures. We are proud to be Canada's first people. We are being warned about white people and how greedy they can get and we are told: "After you shake hands with the white man, count your fingers." Our grandparents were cheated out of the Treaty agreement. Now the young generation are suffering the consequences. We don't blame our forefathers for any wrongdoing, it is the white man who tricked our forefathers in signing the Treaty.

A tradition was passed on to us to respect the term "Treaty" and the historical value that has in it. One day in a year is set aside for us to celebrate Treaty Day. Each year we hear the laughter of children having a good time, Elders sharing fond memories of early Treaty Days, men and women dancing to celebrate the festivities. Each year the laughter of children seems to be fading, sooner we will hear the cries of the future generation fighting the injustices that were done to their forefathers by the white man. It seems like we have been celebrating the loss of our land, pride and dignity as Canada's first people. In our view, Treaty Day should be a day of mourning.

CONCERN

Quite often we present our feelings to the general public of Canada on issues that affect Native people; we are met with indifference and faced with comments such as:

"Why do I have to feed these lazy Indians from the taxes I pay?"

or

"I am not to blame for the wrongs done by my grandfathers (white). I don't have to pay for the lands they seized from the Indians."

I guess what they want to forget is all the abuse and ill-treatment the Native people have faced because it is not their generation that signed the Treaty and all the injustices. What I am getting at is, if the . . . and the wrongs that past generations of white people committed to my forefathers is not considered, then I guess we will also not honour our forefathers' decisions and say we weren't the ones who gave up the land. It was our forefathers. Therefore, we retain our ownership to the land.

We always hear the dominant society refer to us as first people of this soil that you're sitting on right now. Now they are outlining our future, the future of the first

people and we don't even have representation or the participation in the agreements. In reality, we are neglected as if we don't have a voice and we want to take the wax out of your ears and maybe our voice will get through your thick skull.

What we are recommending is we should have representation in the First Ministers' Conference and our say in all agreements that will affect First Nations.

Is the Government getting anxious that time is running out on them? And the new crop of Native people will beat them at their own game?

Are we getting too flexible and capable of living in both societies, that we are getting too intelligent for the dominant society?

YOUTH COUNCIL OF WASSAGAMACH

Presented by Noel Wood

Young people have gained pride being Native. Young people are concerned with the future. We worry about the effects that the Meech Lake Accord will have on, not just fishing, trapping and hunting, but on our whole way of living.

We believe in the concept of Native self-government and want you to understand that we feel very strongly about it. We want the Governments (local, provincial and federal) to understand how we feel. We feel that if Meech Lake were signed, then the potential of self-government would be in danger of being destroyed.

As young people, we are just beginning to realize our own distinct identity and even now can see this Meech Lake agreement as a threat to the many rights that our elders have fought for.

It needs some changes! Is that really so hard? All we want is for those people to make changes so that it can be fair to all. Not just for the Native people but all people. We are worried about our future and we want only that you look more closely at what you are asked to sign and treat us fairly and justly. We don't want much but we do demand what we feel is our RIGHTS.

We, the youth of Wassagamach, join all other Native communities in protesting the Accord as it now stands.

We hope you can hear our cries, and we trust that you will listen to what we have to say and indeed what all Native people are saying. The Meech Lake Accord is not a good one as it stands. It would take some simple changes to make it better. That's all we ask. It is only what we deserve, and it is what we DEMAND!

Press Release:

Island Lake Tribal Council Inc.,
regarding Education E-12 Guideline,
April 14, 1989.

We, the Chiefs of the Island Lake area, wish to express our solidarity with all First Nations' citizens of this country to maintain our Treaty right on education.

We also believe that education is not free and that we exchanged agreements for our land and resources when we signed Treaties with the Crown.

Friday, April 14, 1989

We believe the actions taken by the Government of Canada to erode or dilute the contents of the Treaties is another of many violations of these Treaty rights.

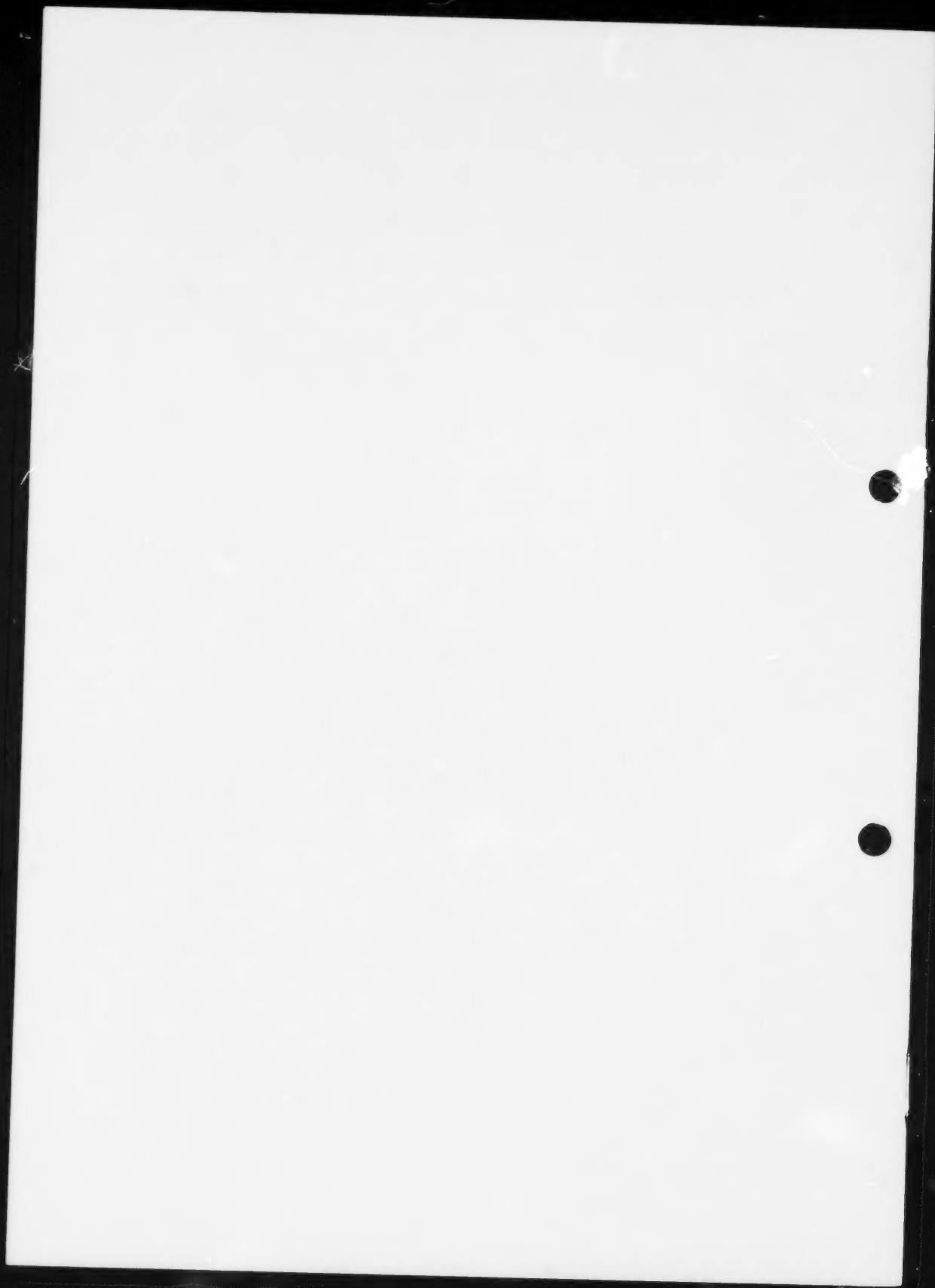
We believe the capping of post-secondary funding will seriously harm the future of our children, who are right now developing a sense of hope for the future. We believe waiting for sponsorship, which will be the cause of the capping of funds, will bring with it a sense of despair and an increase in social assistance. We want to avoid this situation and are in full support of the communities which are demonstrating and sitting in at the regional office in Winnipeg and elsewhere.

We are in full support of the students from Thunder Bay, who are fasting, to demand for a moratorium on the proposed changes to post-secondary education and the establishment of a bilateral process, at the grass

roots community level on secondary and post-secondary matters.

We pay special tribute to Barbara Ann Wynn and Vernon Linklater, who had to stop fasting for personal reasons. Our thoughts and prayers are with Roseann Archibald, who is reaching critical stage. We hope her health will not deteriorate further before the Minister of Indian Affairs, Pierre Cadieux, will listen to the voice of First Nations' people and declare an immediate moratorium on the implementation of the guidelines and the capping of the post-secondary funds.

The isolation of our communities prevent us from physically being with them. However, we are showing our solidarity with other First Nations in the country, by closing the schools in our communities today and may continue until this crisis is resolved.



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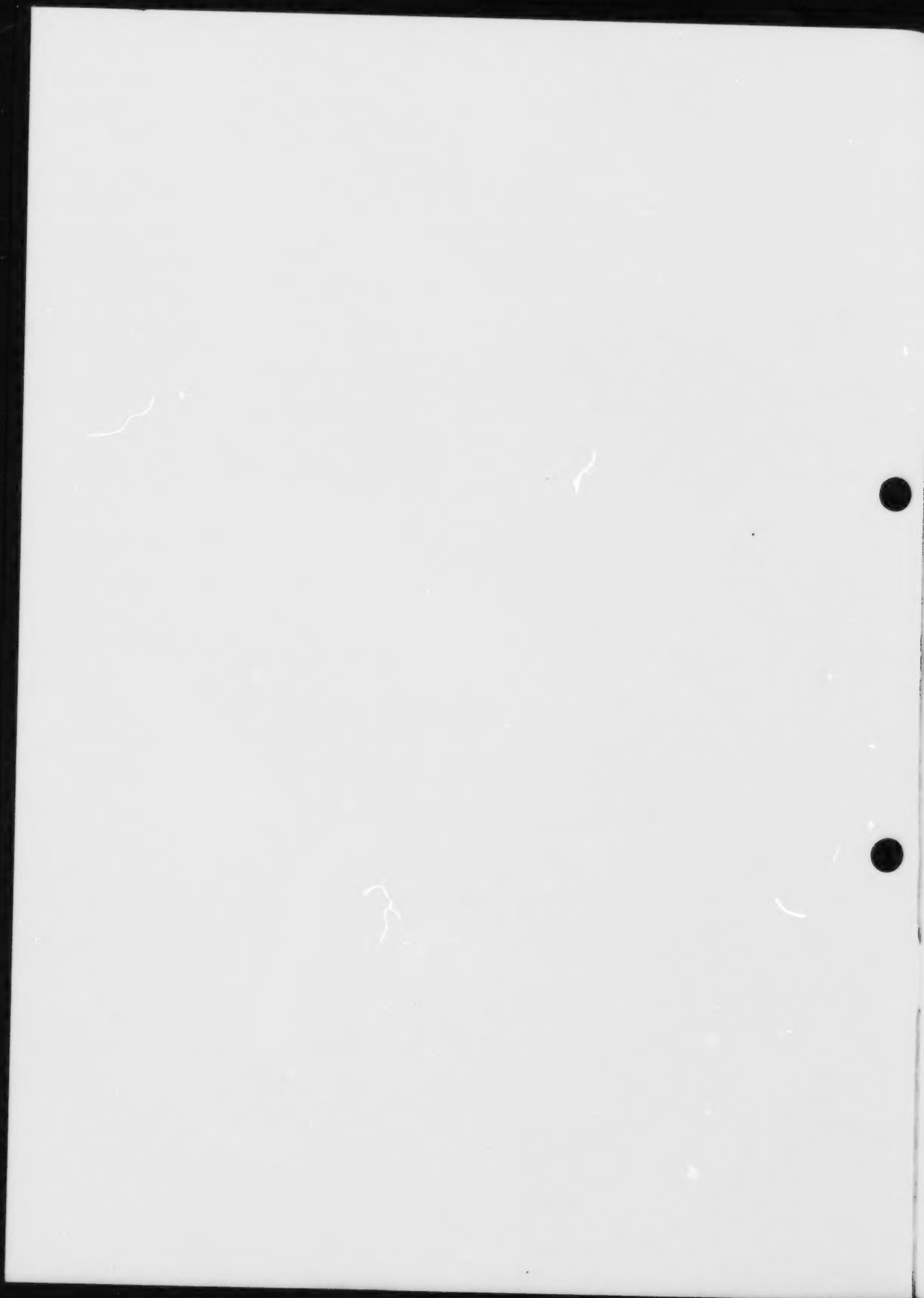


Manitoba Task Force on Meech Lake

April 18, 1989
The Pas, Manitoba

No. 4

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Tuesday, April 18, 1989

TIME — 10 a.m.

LOCATION — The Pas, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

Mr. James Carr (Member for Fort Rouge)
Mrs. Sharon Carstairs (Member for River Heights)
Mr. Gary Doer (Member for Concordia)
Mrs. Gerrie Hammond (Member for Kirkfield Park)
Hon. James McCrae (Member for Brandon West)
Mr. Darren Praznik (Member for Lac du Bonnet)

Support staff for the Manitoba Meech Lake Task Force:

Mr. Binx Remnant, Secretary
Ms. Kathy Brock, Research Director
Mr. Vic Toews, Constitutional Advisor
Ms. Anita Tiessen, Media Relations
Ms. Bonnie Greschuk, Assistant Secretary
Ms. Annette Landry, Administrative Secretary

Appearing:

Mr. Yvon Dumont, Manitoba Metis Federation
Ms. Marguerite Sanderson, Opasquik Women's Group
Mr. Felix Holtmann, Member of Parliament for Portage-Interlake
Chief Oscar Lathlin, Swampy Cree Tribal Council
Miss Sandra Delaronde, Manitoba Metis Women's Alliance
Miss Pat Bruderer, Manitoba Metis Women's Alliance
Mr. Scott Gray, Private Citizen
Mr. Percy Pielak, Private Citizen
Mr. Debarr, Private Citizen
Ms. Donna Pritchard, The Pas Association of the NDP
Mr. J. P. Bodnar, Moose Lake Indian Band and Moose Lake Council
Mr. Syd Allen, Private Citizen
Mr. Bruce Unfried, Mayor of The Pas/Private Citizen
Mr. Walter Rudyk, Private Citizen
Mr. Art Corman, Private Citizen
Ms. Alyson Barnett-Cowan, Private Citizen
Ms. Cindy Williams, Private Citizen

Witness:

Mr. Harry Harapiak, Member for The Pas

Written Submission:

Chief Oscar Lathlin, Swampy Cree Tribal Council (cont'd)

Matters under consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: Good morning, ladies and gentlemen. Welcome to the public hearing of the Manitoba Task Force on Meech Lake here in The Pas. We are delighted to have you with us this morning.

We have a number of people who are prepared to present to us both orally and also give us briefs. We are looking forward very much to hearing from you. The purpose of this Task Force of seven Members is to listen to the people of Manitoba on the subject of the Meech Lake Accord. We will be hearing at this date from about 257 Manitobans. The number grows each day.

After we have heard from everyone in Manitoba who would like to be heard, we will as a group be endeavouring to come to a consensus on the Manitoba position with regard to Meech Lake, and we will be presenting that consensus position as we hope it will develop to the Manitoba Government in due course.

I would like to introduce the Members of the Task Force, ladies and gentlemen. I am Wally Fox-Decent, the Chair. I am going to ask each of the Members just to rise and be acknowledged as I announce them: Mr. Jim McCrae, the Honourable Jim McCrae who is Attorney General of Manitoba and has several other Cabinet portfolios and is also the Member of the Legislature for Brandon West; Mrs. Sharon Carstairs, the Leader of the Liberal Party in Manitoba and the Member of the Legislature for River Heights; Mrs. Gerrie Hammond, the Legislative Assistant to the Minister of Education and the Member of the Legislature for Kirkfield Park; Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and the Member of the Legislature for Fort Rouge; Mr. Darren Praznik, the Member of the Legislature for Lac du Bonnet and Legislative Assistant to the Premier; finally, Mr. Gary Doer, the Leader of the New Democratic Party in Manitoba and Member of the Legislature for Concordia.

I would like to also acknowledge, ladies and gentlemen, the presence of your local Member of the Legislature, Mr. Harry Harapiak, the Member for The Pas.

* (1005)

So we are ready for our first presentation. The rules are very simple, a time limit of 20 minutes for the

presenter. You will hear a bell after 15 minutes which indicates that you obviously have five minutes left. There will be a double bell at the end of 20. At that point, we would ask you to gracefully end your presentation and then there will be up to 10 minutes allowed for the Members of the Task Force to ask questions if they so desire.

Our first presenter this morning is Mr. Yvon Dumont, representing the Manitoba Metis Federation.

Mr. Yvon Dumont (Manitoba Metis Federation): Thank you, Mr. Chairman. I am the president of the Manitoba Metis Federation. I am speaking on behalf of the Manitoba Metis Federation and I am also the spokesman for the Metis National Council representing the Metis Society of Saskatchewan, the Metis Association of Alberta, the Pacific Metis Federation and the Manitoba Metis Federation. So I am speaking on behalf of the MMF but also on behalf of the Metis National Council.

I have with me here the president of the Metis Society of Saskatchewan, Mr. Jim Desrocher, who has come down for these hearings.

I have given you a paper that contains the things I want to present to you but I won't have time to read that in 20 minutes so I am just going to be speaking, based on the paper that I have presented to you.

The Metis have been involved in constitutional development for quite a while here in Manitoba. In fact, before Manitoba became part of Confederation or before the entire northwest became part of Confederation, the Metis have always insisted on having Manitoba come into Confederation as a full partner with full provincial status. The reason for that is because the people, even at that time as far back as 1870, saw the dangers of being governed by a strong central Government far removed from the people that it is supposed to represent. They wanted to have full provincial status so that the Government could be brought as close to the people as possible.

The Metis have been consistent with that position from 1870. They believe that it is necessary in order for a Government to be responsive to the people that it represents that it ought to be as close to the people as possible. Our position at the First Ministers' Conferences has been consistent with that, in that we are seeking self-government—government by the Metis for the Metis.

So when I look at this Meech Lake Accord and, in particular, Clause 106A on the limiting of the spending powers of a strong federal Government, I look at the bureaucracy that exists between the people of Manitoba and that strong central Government of Canada. That strong central Government is, as far as I am concerned, too far removed to be sensitive to the people of Manitoba. It is dominated by Quebec and it is dominated by Ontario and, therefore, national programs are usually moulded around the needs of suburban Toronto or suburban Montreal and have been ineffective, or not as effective as they could have been if in fact the spending control was in the hands of a Government that was closer to the people. In this case,

if 106A brings that spending control to the hands of the Province of Manitoba, then I say that is a step forward for Manitoba and a step forward for the West.

* (1010)

I can give you a number of examples on how these programs have not worked, particularly in housing. If we look at the policies that have been developed, the national standards that have been developed around the provinces that control the federal Government, and how, for example, if CMHC, Canada Mortgage and Housing Corporation wants to impose their standards on Manitoba, if the provincial Government backs out of those cost-shared programs, then CMHC is free to take that money, bring it back to Ottawa and spend it in other provinces if they so wish.

From what I understand of 106A, if Manitoba does not want to participate in those cost-shared programs, the federal Government would still have to spend the money in Manitoba as long as the programs that are instituted by the province are consistent with national objectives. I think that is a step forward for Manitoba, and it is consistent with the positions that the Metis have taken in 1870, and it is consistent with the position that the Metis have taken at the First Ministers' Conferences on aboriginal rights and, in particular, when it comes down to self-government.

So in that case, I think it is good that the provinces are standing up for themselves. I think it is good that Manitoba would take that kind of a role in the development of Canada's Constitution, so that they would protect or that they would make it easier for them to have an effective input in the development of programs that directly affect the people of Manitoba.

I look at the Senate and the way that the Senate has been appointed since Confederation. It is almost as if the federal Government or the Prime Minister unilaterally can decide who is appointed to the Senate, until Meech Lake. Now what do we have? We have the Prime Minister still with the final authority to appoint Senators, but it gives Manitoba a role. It gives other provinces a role.

The Prime Minister would have to pick from a list of names that is given to him by the provinces. As Premier Getty has pointed out in Alberta, he feels that it is possible to have an elected Senate from Alberta and to hold an election for senator, and then to provide the Prime Minister with the list of names of the people who won with a number of votes that each candidate got. Then the Prime Minister can pick from there, but I think it will be pretty hard for the Prime Minister to pick somebody other than the person who was elected, who tallied up the most votes. Now it is possible for the Prime Minister to do that. I am saying it is a step closer to having an elected Senate.

So I think that is a step forward in constitutional development. It is a step forward for the West. It is a step forward for Manitoba. I listened to the Chamber of Commerce presentation on the first day of the hearings. They talked about their priority being Senate reform but, when they were asked by the Chairman of the Task Force about what form that Senate reform

should take—should the Senate, for example, be given the power to fire the Prime Minister, as they have been given in Australia? Really, the Chamber of Commerce did not have an answer. They did not have an answer to that.

It is all right for us here in Manitoba to look at Senate reform. It is all right particularly for Winnipeggers to turn east and say, well, the strong federal Government that we have is being dominated by Ontario and Quebec. So we need Senate reform to balance that because representation by population is not feasible anymore for Manitoba within Confederation.

I am anxious to get in on these talks on Senate reform because, as Winnipeggers are looking east now, when it comes down to serious talks about Senate reform, then I want Winnipeggers to turn north. Look north. If it is true that representation by population is not feasible anymore in Manitoba, then one of the first things that we should look at is the reinstatement of the Churchill riding so that the Churchill region can be better represented in the Legislature of Manitoba.

* (1015)

Are we prepared to go that far as Manitobans? If it is true that we do not believe in representation by population anymore, then let us turn north. Let us look north and let us abolish these boundaries that are based on representation by population. Let us divide Manitoba into 57 equal geographical regions and each region would then be represented by one MLA. That is true regional representation.

I do not think we are prepared to go that far with Manitobans. I do not have all the answers on Senate reform, on regional representation. So that is why I believe Senate reform belongs exactly where it is in the Meech Lake Accord, on the agenda for future talks because, when Senate reform finally takes place, I believe it has to be fair and it has to be equitable. It has to have fair representation of everybody in the province, and it is going to be time for Manitobans to quit looking East and start looking North.

When I look at the appointment of Supreme Court judges, so far since 1867, the only institution that has had the right to appoint Supreme Court judges is the Government of Canada. With Meech Lake and after Meech Lake, the provinces are going to have a role in the appointment of Supreme Court judges. Manitoba is going to have a role in the appointment of Supreme Court judges.

When we talk about a strong, eastern-dominated Government, then I believe that in all three cases in 106A, which deals with spending powers in the Senate reform, in the clause that deals with Senate reform and the clause that deals with the appointment of Supreme Court judges, are all steps forward for Manitoba, all steps forward for the West and bringing the Government closer to the people. I cannot see the argument that is being made that says, by involving more Governments and more institutions and by giving more people an input into the development of this country that we are going to weaken the country.

As far as the "distinct society" clause is concerned, what is it really about? What does it give Quebec that

it does not presently have? The argument has been made that the "distinct society" clause will give the Government of Quebec the freedom to pass laws that protect the French language and the French culture in Quebec.

* (1020)

My position on that is they already have that power. They are doing it right now. They are passing laws in Quebec that protect the French language and the French culture over others. It was given to them by the Constitutional Act of 1982, the notwithstanding clause in the Charter of Rights and Freedoms, which was agreed to by everybody in Canada except Quebec. In fact, it was insisted upon by western Premiers and, more particularly, the Premier of Manitoba who at that time was not even in favour of the Charter of Rights and Freedoms, never mind the notwithstanding clause. So I think it is important that we look at that.

What are we doing with this Meech Lake Accord? Where did it start? The best I can figure is that it came from the sovereignty association, a referendum in Quebec where the Prime Minister of Canada at the time opposed sovereignty association. He got involved in the referendum in Quebec and he took a stand for Canada. He promised Quebecers, at that time, he would renew federalism, that he would bring home Canada's Constitution from England so that it could be amended by the people of Canada instead of the Government of the United Kingdom, so that it could be moulded around the distinctiveness of Canada.

Is that 15 minutes or 20 minutes?

Mr. Chairman: Yes, sir. Five more minutes left.

Mr. Dumont: The reality is that Quebec is not just a province in Canada, and it is not just 25 percent of the population, although it is that. Quebec represents 75 seats in the House of Commons, more than half of what any Government needs to form a majority Government in Canada. That may be the reason why all three major political party leaders in the last federal election supported Meech Lake, because they vote in a block. That is the reality, whether it is in the Constitution or not. It seems that at election time politicians will support what looks like it will make them Prime Ministers or what looks like will make them Premier instead of what is right for Canada. I think that political leaders in this country have a duty to lead and to unify people.

I believe that the legitimacy of the Canadian Constitution has always been in question and the time to seal that union is now. I believe that the ship of state, as it has been called, is now moving, and it is because of at least eight of Canada's Premiers wanting to bring in Quebec as a full partner in Confederation, as a willing participant in constitutional talks. If the Meech Lake Accord is not passed, there will be no movement on other areas. There will be no movement on aboriginal rights, which is something that we are concerned about.

Let us get that ship of state floating and moving so that we can decide how we are going to rearrange the

deck chairs. If we defeat Meech Lake, I think we are fighting about the deck chairs on the Titanic, because the ship of state is sinking. I believe that in order to get into these constitutional talks that involve Senate reform, aboriginal rights and fisheries—and when that topic comes up, I am sure that inland fisheries will be discussed, and I have a lot to say about the Freshwater Fish Marketing Corporation. It affects a lot of fishermen in Manitoba, including in the North, and I think that those things should be talked about. The Manitoba Metis Federation and the Metis National Council will not go unheard in those discussions. Let us get this ship of state moving so that we can argue about the deck chairs after. Thank you.

Mr. Chairman: Thank you, sir. Questions now from the Task Force. Mr. Doer.

* (1025)

Mr. Gary Doer (Member for Concordia): Thank you very much for the brief and the very emotional presentation on the state of the nation, which I think we all accept is a very major responsibility.

Many other aboriginal organizations have been at a different position than your presentation today on the issue of the new provinces. There are many areas I would like to identify but specifically the new provinces, where they feel that the 10 out of 10 provision will in fact jeopardize their opportunity to be new provinces in the future. Almost 99 percent of the briefs I have read from people across the country have been very much opposed to that provision, although they do recognize the other side of that in terms of provinces taking over the resources, as you pointed out in your brief.

You then disagree with that position of many other organizations on the provision for new provinces with the unanimity provision very clearly in your organization, then.

Mr. Dumont: Well, what I do is I believe that unanimity is already required to form new provinces because it would affect the amending formula, it would affect the spending of the federal Government, and it would affect the money that provinces get from the federal Government. There have been arguments that have been made to that effect, so I believe that it is already there, that unanimity is already required in forming of new provinces in the North. I am more interested in what happens in the case where greedy provinces want to expand northward.

Right now, it would take four provinces to stop Alberta, for example, from expanding its boundaries northward. After Meech Lake, it will only require one, so it will make it harder for the rest of Canada to take over the resources and the Territories now being occupied by the Northwest Territories, and I believe—as I point out in my brief, and I did not have time to talk about—but I believe that when we are talking about self-governments in Canada that perhaps, as it has been in Manitoba, that provincial status would be an impediment to aboriginal self-government. So the

argument goes on both sides and certainly we have heard constitutional lawyers made points on both sides of that argument, so I suppose some people are free to believe on one side and others are free to believe on the other side. I believe that the unanimity clause is already there for the creation of new provinces.

Mr. Chairman: One more question, Mr. Doer?

Mr. Doer: Yes. I certainly believe—and I do not want to pursue that issue any longer—in the position that you have taken of “seal the nation now.” However, do you believe there are improvements to the Accord that could be made in the next 15 months to make it a better Accord? For example, an aboriginal process that was in the '82-87 document has obviously been missing from the existing document. There is no process to deal with the aboriginal issues, no matter what position you may take on those particular issues. Do you think that kind of improvement should be made to the Accord in this round over the next 15 months, rather than take this as a fait accompli?

Mr. Dumont: Well, I have been travelling as spokesman of the Metis National Council to almost all the provinces in Canada to this point, and the message that I get from representatives of almost every provincial Government is that they have agreed that the entry of Quebec is first. When Meech Lake is passed, then we are prepared to talk about other things, including Senate reform, which is a very populist idea, which includes aboriginal rights, which I am interested in. So from my talks with other provincial Governments, I do not see the possibility of getting an amendment to this Meech Lake Accord that would include aboriginal rights.

* (1030)

As far as the process is concerned, I am involved in a process right now and any aboriginal groups in Canada that want to be involved in a process are free to do so. We are being funded by the federal Government to have some talks with provincial representatives across Canada. It is not as high a profile, the process, as we have had during the First Ministers' Conference but nonetheless I think it is effective, and certainly we will see a continuation of the First Ministers' process that was mandated by Section 37 of the Constitution Act, 1982.

Mr. Chairman: Other questions? Mrs. Carstairs.

Mrs. Sharon Carstairs (Member for River Heights): I would like to ask some questions with regard to the spending power. You indicate that you believe the spending power is best left in the provinces and, therefore, support the Meech Lake Accord in that spending power will no longer be dominated by a federal Government. Have you any concerns that national programs may, in essence, disappear in the future if there is no national will to create those programs?

Mr. Dumont: I do not think, first of all, that national will is something that is constitutionalized. I believe that national will is there on its own merit, but don't get

me wrong. I do not think that a strong Canada and a strong central Government are necessarily the same thing. I believe it is possible to get a strong Canada without a strong central Government. In fact, I believe it is necessary in order to have a stronger Canada to allow more people to have an effective input into the administration of Canada, and to allow people to develop at their own pace.

The national programs, as I mentioned before, sometimes they leave a lot to be desired, especially in CMHC when we try to get through that bureaucracy from a Manitoba perspective to the strong federal Government that is dominated by eastern Canada. I am not so sure that I like national programs. Certainly in some cases I think it is necessary, but in a lot of other cases I think these programs would be best left to the provinces where we, as an organization, who are Manitobans individually, have better access to that Government.

I have been dealing with provincial Governments here and it is not that hard to get through that bureaucracy in Manitoba. We have dealt with the former Governments in Manitoba. We have always been able to get through to our politicians fairly easily. We are not having much problems now in getting to the politicians who are there, but the problem that we get faced with is that they say, well, this is national policy. When we try and say these national programs are wrong, the CMHC standards are wrong, the province's hands are tied by national policy. I believe that Section 106(A) changes that.

Mr. Chairman: Other questions? Mr. Carr.

Mr. James Carr (Member for Fort Rouge): Mr. Dumont, many representatives of Native organizations and Native people have told us that the "distinct society" clause which describes Canada's fundamental characteristics makes no reference to Native people. Does that exclusion trouble you?

Mr. Dumont: That "distinct society" clause?

Mr. Carr: Right.

Mr. Dumont: I would not trade the "distinct society" clause that Quebec is getting now for what the aboriginal peoples already have in the Constitution of Canada, in Section 31 of The Manitoba Act, in Section 25 of the Charter of Rights and Freedoms, and our very own "distinct society" clause, as far as I am concerned, in Section 35(1) and (2) of the Constitution Act, which Harry Daniels was instrumental in getting us back in 1982. I am not convinced the "distinct society" clause in Quebec really means anything, in view of the fact that we already have the notwithstanding clause that permits Quebec to do almost anything they want. The "distinct society" clause in Quebec is only an interpretive provision in the Constitution. Section 35(1) and (2) is a clear recognition of existing rights of aboriginal peoples. It is not an interpretive clause. It is a recognition of rights.

Mr. Chairman: Sir, thank you very much. Time has expired for questions. Thank you very much, Mr. Dumont.

Our next presenter is Ms. Marguerite Sanderson representing the Opasquik Women's Group. If I have mispronounced that, Ms. Sanderson, will you put it on the record properly for me, please.

Ms. Marguerite Sanderson (Opasquik Women's Group): It is Opasquik.

Mr. Chairman: Opasquik?

Ms. Sanderson: Yes. Can you hear me? Hello, my name is Marguerite Sanderson and I am from The Pas. I would like to say thank you for allowing me—

Mr. Chairman: Ms. Sanderson, I am sorry. Would you mind just pulling that contraption a little closer to you?

Ms. Sanderson: I really do not like these contraptions.

Mr. Chairman: And if you would not mind speaking right into it, that's great. I would like the audience to hear what you have to say.

Ms. Sanderson: Hello, my name is Marguerite Sanderson. I am from The Pas. I would like to say thank you for allowing me to be heard here today. I also extend my own personal welcome to the committee.

First, I would like to say that what I am going to present will be general, in that I am confident that the more specific concerns will be given by other aboriginal people who are in a position to represent large groups of aboriginal people. I have listed my own personal comments in this presentation.

The Meech Lake Accord, when I hear these words, I wonder what it means. I have been told that it is an amendment, changes that will be made in order to satisfy the Francophones of Canada, whether they are in Quebec or anywhere else in Canada. I see the Government of Canada holding out their hands to help make these people feel welcomed and involved in Government decisions which affect all Canadians.

There is one basic question that I would like to ask and that is: Why are aboriginal people being left out? There is lack of adequate representation of aboriginal people in Parliament and the Legislative Assemblies. I believe in my own mind that the Constitution looking after Native rights is one of the responsibilities that might be given to the Senate. That would require Native representation in the Senate, a selection of Native peoples from the various regions because Native peoples are found all over Canada. I think, therefore, there should be representation in the Senate. There should be similar constitutional guarantees for Native representation in provincial Legislatures and territorial Assemblies. The Constitution should also guarantee the appointment of Native peoples to the Senate in proportion to their numbers.

Another way in which aboriginal peoples are left out of the Constitution, through Meech Lake, is the non-recognition of the original peoples as fundamental characteristics of Canadian society. We have no problem in recognizing Quebec as a "distinct society." However, we ask, why do the Premiers have a problem in

recognizing the aboriginals as a "distinct society" and to include them in the Constitution?

* (1040)

I also feel that our language is important too—our languages, not only the French. The French say it is important to protect their languages which is under siege being surrounded by English-speaking North America. I feel our languages are even in more jeopardy than the French language. You would think that the first founding peoples of this country, which are aboriginals, should be the foremost concern of the Government of Canada.

Basically, what I am saying is aboriginals are left out. Brian Mulroney slammed the door on the aboriginals. Any analysis of the Accord itself reveals substantial direct negative impacts on aboriginal people. There is a long history of animosity of provincial Governments and Premiers towards the aspirations of Native peoples. I cannot help but wonder why this is so. Is it because the Governments have lied so much to us, or do the Governments feel they have done all they can do to help us? I can only speak for ourselves. I can safely say that the treatment we receive from the Government is shameful.

I tell my children to be proud of who they are. I go on to tell them we were here first, before any white man claimed to have found this land. I say to my children we lived in harmony with all living things, things in this earth. We are to love one another, to share what the Creator has given up so that we may prosper according to His gifts. I tell my children we are all equal in the eyes of the Creator.

I ask anyone why is it aboriginals are treated so differently from everybody else. It seems that the Government must answer to our needs, the needs for equality, the need for equal representation in politics. Like any group of peoples, we must protect ourselves, our culture and our languages. We feel we need to protect ourselves. The time has come when we can no longer tolerate the injustices of Government and society overall. We will unite as a proud nation once again, just like in the beginning before we were invaded.

I see what is happening to my people is oppression. First of all, the Governments have set up reservations, the reserves, for our people. I see these as concentration camps. By keeping my people in these places, they don't have the same opportunity to flourish to their full potential in regard to economic stability, political representation, legal system, the education, the social system. It does not go to say that we are held prisoners but we might as well be, because we cannot conform to the white society's ways, because we are unique ourselves, so we find ourselves on reserves. We are segregated from one another. We cannot make a move to improve our situations without the Government being on our backs, just because they hold the purse strings.

These kinds of dealings with my people have got to come to a halt. It is time to say we are fed up. The Government must start realizing that we can speak and think for ourselves. Our people will, once again, take a stand against this form of oppression.

Our forefathers tried to gain control of their lands and their rights, but were slaughtered and jailed if they didn't conform to the white man's ways. Our people are still paying for that price today. I am one of these people who will lay down my life in order that my children have a stand, a right to be treated with equality. We have inherent rights to this land. I also know that our people did not sell this land. The land I speak of is Canada.

It is not our intention to completely take over or kick everybody off our land, but to understand that without our generosity and contributions this land of freedoms would not exist. We need to be recognized and respected, to be treated as first-class citizens. After all, we are to be commended on our welcome and unselfishness in dealing with all newcomers to this land in the past and in the present.

In conclusion, it will be democratic to say that this Meech Lake Accord will not come to pass without the support and input of aboriginal people. I wish to say that we do not support the Meech Lake Accord because we were opted out.

I would also like to add that there is a movement amongst my people. I would like to say that I am seriously thinking that my people should have their own accord which should be 150 years in the making. We are not only concerned with politics but also the environment conditions we are forced to live in. Because of development and technology that society has come up with, they do not realize that all life on Mother Earth is in danger.

It was told to me as a little girl that the Creator put us here on the earth to be the caretakers, to ensure that all living plants, animals and everything on the earth be treated with respect and to give thanks for it. It is our intention to protect the Mother Earth, as it is mankind's responsibility to do so. These things I have discussed are not only to discuss here at the hearings but to reach out to other people, regardless of race and cultures, to unite as one voice against the destruction of our world.

I also would like people from all over to support the aboriginals in their stand against the Meech Lake Accord in order that we may develop our own accord.

Thank you for listening to me and God bless you all.

Mr. Chairman: Thank you very much, Ms. Sanderson. Any questions from the Task Force? Thank you again for your presentation.

Just before we go on to our next presenter, Mr. Felix Holtmann, ladies and gentlemen, it is my pleasure to acknowledge the presence of a couple of classes from the Margaret Barber Collegiate. I understand there is a Grade 9 class in social studies and a Grade 10 class in United States history. We are absolutely delighted to see the young people with us and their teacher, Catherine Gardiner. You are most welcome.

Mr. Felix Holtmann, Member of Parliament.

Mr. Felix Holtmann (Member of Parliament for Portage-Interlake): Mr. Chairman, honourable

Members of the Manitoba Task Force for Meech Lake, thank you for the opportunity to discuss with you of course my views and some of the proposed changes to our Constitution.

As a proud Canadian, Mr. Chairman, and one who has the privilege to serve Canada in my position as a Member of Parliament for Portage-Interlake, I have followed the advent of Meech Lake Accord and indeed these hearings. I read the responses in newspapers to them with great interest and in fact with somewhat anxiousness. When the Prime Minister embarked on this venture to get a consensus of 10 provinces and have all 10 provinces signatory to a present-day Constitution after 122 years since Confederation, surely his vision of Canada strong and united, a vision of all contributing to the welfare of others and avoiding those separation tendencies of the past, is an ideal and achievable dream and aspiration of, I am sure, everyone in this room here today.

* (1050)

Mr. Chairman, getting 10 men and women with different genetic make-ups, all raised in distinctly different geographical and sociological backgrounds, to agree on a perfect criteria of what even Johnny's education should be would be probably equally as difficult a task. I note with interest, even groups here today have a difference of opinion, and so it is.

When the Prime Minister reached the agreement in the early hours of April 30, I—and I say I was there, actually there, standing up all night with reporters and tourists, sort of sensing what was trying to be achieved with our provincial leaders and federal leaders of an occasion that maybe now finally we can really become one nation. Could we find consensus to do so? At that time, our Prime Minister said about the Accord, and I quote: "Quite obviously, the Accord is not perfect but, if we wait for perfection, we risk undoing what has been accomplished, and will make no progress at all."

I believe that all Premiers of the Day who signed not because, as was suggested earlier to this Task Force by a Mr. Schwartz, that "egos may have come into play" or by others that "the Prime Minister may have some magical powers forcing their hands," that despite the Accord's imperfections and failings on the contrary, our provincial leaders, elected leaders, wanted Canada to remain intact and united. Those provinces, in my view, that have ratified this Accord to date, I am sure, do not feel threatened or feel they have lost rights or any existing privileges. So I ask you all in this room: What's your problem?"

Well, I view the problem in three areas, and I put them in the areas I feel are the things that bother us the most:

1) Quebec and its desire to have the words "distinct society," I believe is what bothers us all here somewhat, and it has probably bothered us in the past. I would like to review that a little bit. First of all, I will say that by adding these phrases that a Canadian from Quebec would federally have to pay less taxes than I or you or receive any additional privileges than I or you, then I would never have agreed to this Accord.

It seems to me we all want to be distinct. If you checked with Manitoba's history, a group of Icelandic immigrants one time asked for and were given their distinct charter and country within Manitoba and Canada. Now, does anybody have any thoughts about wouldn't that be quite unique and distinct as a group of people within our country.

I often, as I said before, believed that Quebec was always receiving special privileges far exceeding other parts of Canada and, after entering federal politics, I found some startling facts. Of all the federal funding in the past four years—those I can certainly account for because I was with the Government of Canada, previously I can't—but it was Atlantic Canada with the highest per capita funding followed by, yes, the prairie provinces, and followed then by Quebec. Now you might conjure up in your mind that it is Atlantic Canada that was more distinct and privileged than any other part of Canada, if you want to use that as a thesis.

I might add that the recent actions of Quebec and its Premier with regard to minority language rights, I find repulsive and unfortunate. However, having said that, I do not attribute these actions, nor should they be in any way associated with Meech Lake.

Let me go to the second concern, and that is Senate reform. I do not have any constitutional expertise or a legal background. Let me add that having a legal background in politics sometimes is helpful. So many of the things you do talk about law and making laws on behalf of this country, so maybe I am not in the position to comment in an expert way.

If I understand correctly, the Senate reform is only possible through unanimity, as a result of the 1867 Constitutional Act. So, for those people who thought the Meech Lake Accord should have discussed Senate reform, let us just think about it for a minute, just forget Quebec and Ontario.

Is there anyone in this room who could convince Prince Edward Island with their 128,000 people and who were granted provincial status on the basis of (a) a financial bailout by the Government of Canada, (b) guaranteed four MP's, and it should say, and always an equal number of senators. If you think back, notwithstanding the fact they have been on the receiving end of federal finances ever since, could anybody convince them to give up any of that representation in terms of Senate reform, or fair and equal representation in terms of representation by population? Remember, there are only 128,000 people in that province. I say to you, good luck. By the way, with regard to transfer payments, that province this year is in a surplus.

Now, ladies and gentlemen, that to me is distinctly a privileged and "distinct society" more so than Quebec or you and I will ever find ourselves in. That, in my view, is what I call distinct. Conversely, could you or anyone else convince Ontario and Quebec, if we talk Senate reform, to give up 20 senators each to be equal with P.E.I.? Clearly, I suggest that Senate reform is for another time.

I would like to add that my personal view on Senate reform would be to abolish it completely and save the

\$30 million to help reduce our deficit, downsize Government, or some people might consider helping with education. I am not sure.

Mr. Chairman, preserving and strengthening this vast and beautiful and sometimes harsh country, in my view, deserves our time, our energies, our sacrifices and our patience. Like thousands of others, Manitoba has served my family and my immigrant parents beyond their wildest dreams. Like many, they came from continental Europe which, during the last century, was ravaged by two world wars resulting, as many of you know, in great destruction and a monetary devaluation. Today, all of western Europe and their countries are gaining their strength through unity of proportions hereto before never dreamed. Europe is strengthening its positions by joining each other commercially, economically, common standards, common regulations, and soon a common currency, and yet maintaining their distinctiveness and their proud heritage.

I say that, ladies and gentlemen, because we should find ways of making Canada united and strong, ways to bring us together despite our differences, as opposed to find ways of pulling us apart. Surely we, as a country, with our diverse provinces must do the same. Let us cast off our pettinesses, seek out and promote our cultural ingenuities, and see our distinctive regional qualities.

* (1100)

Being present-day leaders and politicians, all respectfully charged with a more prosperous and united Canada for generations to come, must we not cast off our short-term political opportunists, as was demonstrated by 10 Premiers of the Day of all different political persuasion, as was demonstrated by Mr. Broadbent and Mr. Turner and most of their caucus Members in their desire for national reconciliation.

I ask you, how can we as a country consider adding new provinces to this Confederation if we cannot first bind the 10 provinces that exist today? Thank you.

Mr. Chairman: Questions? Mr. Doer.

Mr. Doer: Certainly Mr. Broadbent and Mr. Turner did all move amendments in the House of Commons to deal with some of the perceived weaknesses, and you have articulated the fact that no Accord can be perfect in the presentation. I would ask, in terms of your presentation there was not much mentioned of the issue that has been raised with us before in terms of the Charter of Rights and "distinct society" clause. Do you support the existing Charter of Rights and do you feel there is no risk in terms of the "distinct society" clause in terms of that provision of the existing Constitution?

Mr. Holtmann: First of all, Mr. Doer, I think the Charter of Rights is there and am I glad it is there. Let us put it this way. It has obviously given politicians some headaches and certainly I do not think it will ever be removed, so we have to work within it. I am a believer that it has, no doubt, come to the aid of people who felt neglected or people who felt they have been left out. This is a debatable issue that I do not think we are going to change back.

In terms of the "distinct society," I think my position is that if it is giving those individuals of a province a different privilege than you and I have, then I would be concerned about it, but I do not see that. I think our Constitution and our provinces are a living entity in themselves. They all have different ideas and ways of doing things. I think if you go to Newfoundland and compare Newfoundland—I have had only had a few occasions to visit and compare it with Manitoba—we are quite different. I think we think different. We are not putting it into the Constitution but I think we know there are certain different feelings.

So I do not think we are going to change that part of our history, but I see this Accord, the Meech Lake Accord, as a way of getting on those other issues that were maybe brought up here before. It would be my hope that we can do that. I think that really it would show that we are all doing some nation building together.

Mr. Chairman: Mrs. Carstairs, and then back to Mr. Doer.

Mrs. Carstairs: Mr. Holtmann, you said in the second page of your brief, if I had felt that by adding this phrase "distinct society" had given any additional privileges, I would not support this Accord. How do you therefore react to statements by Mr. Bourassa who has on a number of occasions said that the "distinct society" clause does indeed give additional powers to the Province of Quebec?

Mr. Holtmann: I find Mr. Bourassa, who is obviously a strong supporter of the Accord, engaging in, I think, some melodramatics sometimes. Certainly I do not see where—I mean Quebec politicians are in a way distinct themselves. I deal with them all the time. I do not know if they think they are privileged, but they want to be more important in a certain way. We have heard the Province of Quebec getting into the international language policies of French-speaking countries as wanting to take the lead role. I think they say this because they basically want to protect their French language and culture. Now that would only be a privilege to themselves and it would not be a privilege different from any other parts of Canada that I could see. I do not think I will flock or you will flock to Quebec because they have gained some new ground, privileges that are advantageous to them living in this country. I think it is sort of internal posturing—maybe a little political posturing too, if I may use those words, but I do not see that as an added advantage in any substantive way.

Mr. Chairman: On the same line, Mrs. Carstairs?

Mrs. Carstairs: Yes.

Mr. Chairman: One supplementary and then back to Mr. Doer.

Mrs. Carstairs: In order to resolve that though, would you be prepared to accept the idea of a reference to the Supreme Court of Canada to indicate clearly

whether this phrase has given additional powers to the Province of Quebec or whether it has not given additional powers to the Province of Quebec?

Mr. Holtmann: I guess you are saying before the fact, shall we put—there might be people wanting to put all types of things in the Accord to the Supreme Court of Canada before the fact, and I do not know if that is the appropriate way to treat this. I do not know of too many Canadians other than those who have invoked a fear that "distinct society" means so many things, could mean so many things. I do not think after the Accord is passed that we are going to see Quebecers gaining any other privileges, although the Premier may have said that, than we already have anywhere else in this country. So I do not think it should go to the test before, because it is really not a law yet that should be tested. I think we are ahead of ourselves when we do that.

Mr. Doer: Just following this line a bit further, the Premier of Quebec recently, in a European tour of the major financial institutions and trading partners of the European countries, stated that the "distinct society" clause would give Quebec unique international rights vis-a-vis the rest of Canada, and that is certainly an interpretation that was much beyond the internal language issues of the international components of the language. Would you as a federal representative support that interpretation of the Premier of Quebec in terms of its vision of Canada?

Mr. Holtmann: I do not think we could ever sit here and stop any Premier of any province going to an international conference and posturing himself for the benefit of his province, and that necessarily being sanctioned by all of Canada. I mean, he may go out, and so may the Premier of Manitoba tomorrow, somewhere and speak on behalf of Manitoba in an international way. However, it is not necessarily sanctioned by the rest of Canada. You cannot stop those activities.

I do not know if they have been done by other provincial Leaders but I do not know how that threatens us even if it is carried out. A law of Canada is a law of all of Canada and I think we know there are certain divisions of power. I do not see that as a threat. I do not see that's something that is going to happen a lot, not if you were once a true member of our Constitution, a signatory to our Constitution. I do not think you and I can stop those activities but I do not think they will mean a lot in the end.

Mr. Chairman: Other questions? Mr. Carr.

Mr. Carr: Thank you, Mr. Chairman. Mr. Holtmann, in Clause 2 of the Accord, Quebec is given the power to preserve and promote its distinct identity and the other Legislatures are given the power to preserve the fundamental characteristics of Canada, and some organizations and individuals have expressed a concern that may affect minority language rights, that the Anglophone minority in Quebec might be threatened and the Francophone minority in Manitoba might be threatened. I would be interested in your comments

on what impact you think the Accord may have on minority language rights in Canada.

* (1110)

Mr. Holtmann: As I also indicated in my brief, I was not exactly pleased with the actions, first of all, of the Premier of Quebec using a 1982 constitutional change that allowed him to override the Constitutional Act, and so I was saddened by that. However, the desire to hold on to and maintain the French culture obviously will come from Quebec where they have the majority of individuals.

I would hope that the Government of Canada, in its bilingual policy and its policy to respect minority language groups, would also be a force to be reckoned with, not only for the English in Quebec but the French outside of Quebec, as they are in this province, communities who I think desire that. I guess any culture—let's take the Native culture that we are surrounded with here in The Pas—very much want, and I think should have the right, to maintain their distinctiveness in their culture. I hope Canada's Constitution protects those rights. There is sometimes evidence where we would think the other is the case.

I guess when you go back to Quebec and its sign situation, it certainly conjures up an anger in the heart to see that happen. I hope in the end cooler heads will prevail that we all say, you know, we are a country with our differences and with our problems, but that nobody should be denied the right certainly of the two official languages anywhere, to use those in their ability to communicate with one another. Maybe these are some of the growing pains we are into right now as a young country. We are not very old in the history of things around the world. I think that tolerance will prevail in this area, and I think it is up to us, the Leaders of Canada, the Leaders of the provinces to see to it that it does. I have no doubt since the actions of the Premier, he's heard even maybe from federal elected representatives that his actions weren't exactly sounding out in a tolerant level to the minority language, English language people of that province. So I hope those messages do come across from time to time.

Mr. Chairman: The time is up. Thank you very much, Mr. Holtmann.

Our next presenter is Chief Oscar Lathlin from the Swampy Cree Tribal Council.

Chief Oscar Lathlin (Swampy Cree Tribal Council):

Good morning, my name is Oscar Lathlin and I am Chief of The Pas Indian Band. I am making this presentation on behalf of the Swampy Cree Tribal Council, chiefs and councils and their band members.

I would like to welcome the opportunity to present our material here this morning, and I too would like to welcome the committee to The Pas. I hope that your stay here is pleasant and that our people will treat you well and that, when you do go home, your journey home will be safe.

We are aboriginal people. We were here before Christopher Columbus discovered what is now known

as North America. We were here long before the French came. We were here long before the English came, and we were here long before the French lost the war on the Plains of Abraham. We never lost wars as aboriginal nations. We merely signed Treaties. In other words, we were never conquered.

We are also citizens of Manitoba as well as in Canada. We are also voters. Politicians and political Parties that ignore us and refuse to recognize our rights nowadays are starting to do so at their peril.

Our right to participate in a political process was hard won and long in coming. This Task Force should not need to be reminded that the only people who had to wait longer for the right to vote were those criminals serving prison sentences and our mentally handicapped people. Your conduct has made your opinion of my people very, very clear, and none of you should be surprised to hear that we are not prepared to rely on your good will any longer.

Our experience in dealing with your people over the past 200 years has demonstrated that your written guarantees are of questionable value and, without such written guarantees, your promises are next to worthless. I do not intend to dwell on the distant past, however, and I recognize that many things have changed since the days when your ancestors treated mine so cruelly.

Still, even in recent times, your record has not been one that any one of you can point to with any great pride and, given that record, I cannot believe that any one of you can doubt the sincerity of our concerns about the shortcomings and failings of the proposed constitutional amendments contained in the Meech Lake Accord.

Even before Meech Lake, the importance or lack of it that you placed on guaranteeing our rights as aboriginal people was clear when, in 1981, Ottawa and the provinces, with the exception of Quebec, made a deal which included removing the Treaty and Aboriginal Rights clause from the Constitution. In the face of our public outrage and intense lobbying, Canada had to be shamed into reinstating this Treaty and Aboriginal Rights Clause, and even that was achieved only by agreeing that this clause would remain to be elaborated on in future constitutional discussions.

If there is ever a time when politicians can be taken at face value, it is when they promise you future discussions and, true to their word, the First Ministers indeed did enter into their promised discussions with the aboriginal people. At the constitutional conferences, we tabled a series of proposals which would have brought the First Nations into Confederation with honour and dignity. These proposals were rejected, apparently because certain Premiers found the terminology too vague and wanted clear logical definitions of such concepts as self-government.

The thought that some Premiers are not clear on what self-government means is terrifying to us, but they do seem to have a clear grasp of "self-serving" and "self-interest." So we remain hopeful that they will figure it out eventually.

* (1120)

In March 1987, the promised discussions came to an end and, like every one of our aboriginal presenters have said, aboriginal people were denied guarantees of their rightful place. Even then we were still prepared to accept that framing the Constitution was a complex matter and, although what we had proposed seemed simple and straightforward, we could appreciate the difficulties the First Ministers were having in achieving consensus.

Our willingness to believe the best of these people did not last long. Within a matter of weeks, these same First Ministers emerged from Meech Lake announcing what they referred to as a modern-day miracle. They had reached a unanimous agreement on a constitutional Accord that was even more vague and had less legal definition than any of the proposals that the aboriginal people had put before them just weeks earlier.

This Meech Lake Accord once again excludes aboriginal people from the constitutional process and denies our rightful place in this Confederation. Treaty and aboriginal rights remain undefined and the issue of aboriginal self-government remains unresolved. The conclusion is clear. Canada's Constitution and its amendments are not being formulated on the basis of fairness, justice and rights, but on the basis of political power, political self-interest and political expediency.

The nature of Canadian society for generations to come will be defined by the decisions that are being made now about the Constitution and its amendments. If these decisions are not made on the basis of fairness, justice and rights, then all our children, Native or not, will suffer from the short-sightedness of politicians looking not to our country's future, but to their next election.

As far as the Meech Lake Accord's basic objective is concerned, and that is to bring Quebec in to sign the Constitution, aboriginal peoples have no argument. Neither Quebec nor the aboriginal peoples should have been excluded as they were in 1981-82. The initiative to bring Quebec into the Constitution is welcomed, as we would welcome a genuine initiative to bring our people in as well. The problem is at what cost was agreement on Quebec achieved and who will pay the price? Nowadays, we hear of the Prime Minister saying that the notwithstanding clause may have been a high price to pay in order to bring Quebec in. The aboriginal peoples have concluded that the cost was high and that, again, we are the ones who are going to be paying.

Let us look at some of the specific provisions of the Meech Lake Accord and consider the potential problems from the First Nations viewpoint. When we look at the Quebec "distinct society" provision on aboriginal language and culture, no mention is made of aboriginal peoples and their language and cultures. By omitting appropriate reference to aboriginal peoples and their languages and cultures, the historical reality of Canada may be further distorted in Canada's Constitution.

Explicit constitutional recognition is only given to Quebec as constituting a "distinct society." This could lead to a future interpretation that, for constitutional purposes, aboriginal societies are not distinct or else

they would also have been explicitly mentioned in Canada's Constitution. This will have adverse political and legal consequences for aboriginal peoples and their efforts toward greater self-government. It will strengthen federal and provincial Governments' claims that the aboriginal right to self-government is not an inherent right.

As well, provincial powers are strengthened in relation to the fundamental dual character of Canada. This could be taken to imply, when in conflict, that provincial laws generally conceived to protect this fundamental character would have paramountcy over the legislation of aboriginal Governments.

Aboriginal and Treaty rights: since the whole Constitution will be interpreted in a manner consistent with the predominant notion of two societies and two languages in Canada, it is conceivable that future interpretations of Section 91(24) of the Constitution Act, 1867, and Sections 25 and 35 of the Constitution Act, 1982, could be subject to new limitations, not all of which are foreseeable.

No mention is made of the fact that significant parts of Quebec form part of the ancestral homeland of Indian and Inuit nations. This would have damaging effects on the claims of Indian and Inuit people in Quebec.

What about the spending power provisions? The constitutional provision on spending power is designed to limit the federal spending power in relation to areas of exclusive provincial jurisdiction. The Constitution, while recognizing that the Government of Canada may undertake national initiatives in areas of provincial power, will provide that the province may opt out of a national program with a reasonable financial compensation. So as long as the initiatives or programs undertaken by the province are "compatible with national objectives."

The major beneficiaries of national programs tend to be those who are least advantaged, many of whom are aboriginal people. Even if national programs are established, uneven standards may result in different parts of Canada if one or more provinces opt out.

There is no assurance that aboriginal peoples within provinces that opt out of national programs could still have access to such national programs (based on Section 9(24) and federal responsibility).

In its effect, the opting-out provision could lead to significant extension of provincial power over aboriginal people and a further erosion of the federal trust responsibility because, as you know, now when we go to the province they say you are a federal responsibility, and when we go to the federal Government, they say, you have to go to the province. Yet when elections come around, both levels think that we are full participants.

The Amending Formula: The Constitution will also provide that future constitutional amendments relating to all subject matters referred to in Section 42 would require the unanimous consent of Parliament and the provincial Legislatures.

The application of unanimity provisions to Section 42 has potential prejudicial effects for aboriginal people.

It also provided that any future extension of existing provinces will require unanimous consent (Section 42(1)(e)).

However, the establishment of new provinces will also require unanimous consent. This means that the political development of aboriginal peoples and others in the Territories will be controlled by the provinces. Any single province will have the power to veto the creation of new provinces in the Yukon and the Northwest Territories.

As well, aboriginal rights have not specifically been identified on the list of agenda items. Their inclusion at future First Ministers' Conferences will be made more difficult if this clause is interpreted to mean that the provinces must agree to the inclusion of aboriginal rights in future constitutional conferences held under this provision. For example, self-government arrangements may be more difficult to attain if the federal Government has transferred additional jurisdiction or powers to the provinces in areas such as fisheries.

Many of the items to be dealt with at future First Ministers' Conferences will bear directly on aboriginal and Treaty rights. It is crucial that aboriginal peoples have direct representation at these future First Ministers' Conferences on the Constitution or else face the real possibility that aboriginal rights, interest, status and aspirations may be seriously undermined. We foresee that many specific provisions in the Meech Lake Accord have potential negative implications, both direct and indirect, for the aboriginal people of Canada.

Now it might be fair to say that any set of constitutional amendments would, on close examination, reveal similar weaknesses, failings and inconsistencies, and that these problems could somehow be remedied before they become law, perhaps through a political process like this one.

That would be true if we could believe that this process began in a spirit of good will and of justice for all, but this was not the case, and I and my people are absolutely certain that no amount of tinkering with specific provisions will do anything to remedy the fundamental failing of the Meech Lake Accord.

The fundamental flaw of the entire Meech Lake Accord is that it completely ignores the whole issue of aboriginal people's right to entrenched constitutional guarantees.

* (1130)

The injustice of all this, the fact we were excluded from any meaningful participation in the process, the fact that agreement was achieved only by ignoring aboriginal rights, the fact we are being treated like a problem that you can get around to some other time—all these make the Meech Lake Accord unworthy of being enshrined in the Canadian Constitution in anything resembling their present form.

Because it is so important, I would like to say a little more about how the Meech Lake process and the Meech Lake Accord ignored and excluded concerns and the rights of all the aboriginal peoples. Only by exposing how this happened can we hope that the

injustice will be recognized and remedied before it is too late.

From the beginning, we have been told by the Prime Minister that our participation was not required because nothing in the Meech Lake Accord would bear directly on aboriginal rights. I believe that my earlier comments of the impact of specific provisions of the Accord clearly demonstrate that the Prime Minister was misinformed.

In the future, as I previously noted, the Accord provides for annual First Ministers' Conferences but makes no provision for our participation or even the tabling of the issue of our rights as an agenda item. They have managed to include items like fisheries on a constitutional agenda, but the rights of the original owners and primary users of the fisheries are not seen as being pressing. No doubt, they expect us to trust them to do what is good for us. Well, we do not trust them.

Does anyone here today really believe that the Premiers are going to address the issue they have avoided for over a hundred years, unless they are forced to put it in the constitutional agenda? We believe this omission was intentional.

There are many ways in which the Meech Lake Accord leaves aboriginal people out of the future constitutional agenda, for example, the requirement that all 10 provinces must agree to the admission of a new province. It must be stressed that this is a major departure from Canada's constitutional history. Indeed, this province was created as a Native province in negotiations between the federal Government and the residents of this area. There was no requirement that the original partners to Confederation in 1867 had to agree to the creation of Manitoba.

Another way in which aboriginal peoples are left out of the Constitution through Meech Lake is the non-recognition of the aboriginal people as a fundamental characteristic of Canadian society. Aboriginal people have no problem in recognizing that Quebec is a "distinct society." However, they do ask, why do the Premiers have a problem in recognizing the First Nations as "distinct societies" and recognizing them as such in the Constitution?

As well, there is the question of aboriginal languages. Quebec argues that it needs special powers to protect the French language. What then of Canada's aboriginal languages? Are our languages in jeopardy, just as French, maybe even more? The survival of these languages is fundamental to our society. When the federal Government started to bring in the integrated school system in the early 1960s, you hear about—and I was there because I used to get the punishment—when we spoke our language we were strapped, and I do not think we have done that to Quebec. I do not think we have strapped them every time they spoke French, but we have, and so who is suffering more here, Quebec or aboriginal people?

Mr. Chairman: That is the end of your time, sir.

Chief Lathlin: Thank you.

Mr. Chairman: Thank you very much. Can we take your brief? We have facilities to copy it. Would that be

the best way to handle that, or do you have copies coming?

Chief Lathlin: I have copies here.

Mr. Chairman: Oh, that is fine. Thank you. Questions to the Chief? Mr. Doer.

Mr. Doer: I have discussed the Accord before with the Chief and I respect his presentation here today. The issue of the spending power provisions, notwithstanding the fact that you said it is fundamentally flawed, that we have to really start all over again, would you want to see the whole spending power provision deleted or amended in a much stronger way or what would be the recommendation from the Swampy Cree?

Chief Lathlin: What we would like to see in there as far as spending powers is concerned is that it be written clearly so that everybody will understand that the spending power provisions will not negatively impact on aboriginal people. That is No. 1 and, No. 2, we also do not want the federal responsibility to be further diluted by way of the spending power provision.

Mr. Doer: Just one other brief question, in terms of the new provinces issue, previous to 1982 the previous formula was the federal Government and the province similar to what we have. Now we have gone to 7 out of 10 and now to 10 out of 10 on Meech. Would the position be to go pre-82 as a recommendation, but would the Swampy Cree feel comfortable with the existing 7 out of 10 provision for new provinces?

Chief Lathlin: From our perspective we are saying, why don't you leave it up to the federal Government and the Territories, the people from the Territories. We don't even want to go to the 7 out of 10 or 51 percent formula. There are quite a few hostile provincial Governments out there, and they are not about to make a deal that will see the Northwest Territories, which is predominantly Dene and Inuit, become a province. If the Territories are going to become a province, the deal should be between the federal Government and the Territories themselves, and Manitoba should not even have a say as to whether the Northwest Territories should become a province or not.

Mrs. Carstairs: Thank you, Chief Lathlin. My question has to do specifically with process. One of the issues raised over and over and over again was the fact, you know, 11 First Ministers meeting behind closed doors with no consultation with additional groups or participants.

What kind of participation in the future would the aboriginal peoples like to see in the process? What kind of representation do you think should be at, for example, a First Ministers' meeting?

Chief Lathlin: If I was going to be given time to finish my presentation, those were some of the points I was going to articulate. Just briefly, what we said was, even in the Senate, there should be some form of recognition for aboriginal participation. Again, I'm talking about

the Northwest Territories and places where Native people are predominantly in a majority.

As far as the other areas are concerned, the kind of participation we were looking for is contained on page 11 of my presentation, reforms that are needed to make Meech Lake acceptable to aboriginal peoples. There are really six points there I was going to mention but they are written there.

The First Ministers' Conference agenda should include a renewal of the constitutional process to deal with Treaty and aboriginal rights and to provide for First Nations self-government. Admission of new provinces should be a matter between the federal Government and the Territory in question.

The Accord must contain a recognition of the distinctiveness of First Nations, a clear statement that both the decentralization of the federal spending power and the opting-out clause will not impact on aboriginal people. There must be a process for First Nations to put forward names for Senate and Supreme Court appointments. Better still, we should be moving on an elected Senate with aboriginal peoples being involved in the discussions with a view to developing a form of aboriginal representation in the Senate. Aboriginal participation should be required in all constitutional conferences that are going to deal with matters affecting aboriginal peoples.

Hon. James McCrae (Member for Brandon West): A quick question, Mr. Chairman, Ms. Sanderson referred to Native representation in the Senate in proportion to the numbers of population of Natives in our country. Is that the kind of aboriginal participation in the Senate you are referring to, or do you have a formula in mind for the type of aboriginal representation?

Chief Lathlin: We do not have a formula in mind. If you look at other Commonwealth countries like, I believe it is, New Zealand, Australia, they have similar arrangements. They have arrangements like we are proposing.

Mr. Chairman: Any other questions? Thank you very much, Chief.

We are going to take a five-minute break. We will reassemble at about a quarter to the hour.

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Mr. Chairman: Ms. Sandra Delaronde and Miss Pat Bruderer, representing the Manitoba Metis Women's Alliance. I would just indicate to you, our plan is to break at about 12:40 p.m. for lunch. Then we will be back at 2 p.m. and we will take those who have yet to be heard at two o'clock this afternoon. So we will be running now for about 50 minutes and then taking a break.

Welcome ladies, we are ready to proceed.

Miss Sandra Delaronde (Manitoba Metis Women's Alliance): We are a bit soft-spoken, so you will have to turn . . .

Mr. Chairman: Would you speak right into . . .

Miss Delaronde: My name is Sandra Delaronde. I am the Provincial Secretary for the Manitoba Metis Women's Alliance, and with me is Pat Bruderer, the Acting President of the Alliance. We are making this presentation on behalf of the Manitoba Metis Women's Alliance. We are also affiliated with the Indigenous Women's Collective of Manitoba, and maintain a seat on the Board of Directors of the Manitoba Metis Federation.

It should be stated that the views expressed in this presentation are the views of the Alliance and should not be seen to abrogate the positions presented by the organizations that we are affiliated with. It should also be stated that this presentation is presented without benefit of legal counsel or professional services. We are a non-funded organization.

Like many women and women's groups in this country, we are new to the political arena and sometimes it feels like we are lambs going to slaughter and other times we feel like Daniel in the lions' den. Today we are not sure which role we are going to play.

We would like to thank the committee for the opportunity to address you on the Constitutional Accord, 1987. We would also like to sincerely thank those individuals in Manitoba who have addressed the implications of this Accord respecting aboriginal people, even though they are not of aboriginal descent.

We are, the Metis, a distinct nation of people with a unique cultural and political heritage. We claim the right to govern ourselves, the right to a land base and the right to self-determination.

The International Covenant on Civil and Political Rights, Part I, Article I, reads that: "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural background." Therefore, Mr. McCrae, we will not ask you to sign any documents. What we have cannot be given or taken away by any Government.

That being said, we would like to share with you our views on the Meech Lake Constitutional Accord. Like all documents respecting constitutional reform, it is not without its critics and its advocates. As an organization, we view the Accord as having some merits and certainly demerits. We will attempt to address our concerns respecting Meech Lake in an issue fashion.

Miss Pat Bruderer (Manitoba Metis Women's Alliance): We do not see the Meech Lake Accord as a document that should stand or fall as a result of the view forwarded, that Quebec has been included at the expense of cooperative federalism. We welcome the inclusion of Quebec as a full and participatory partner in the Canadian constitutional process. We have problems with the dualist notion being included as "a fundamental characteristic of Canada" at the expense or lack of recognition of the aboriginal people. This view leads one to assume that there is a covert policy of assimilation of aboriginal people, while recognizing and affirming the distinctiveness of Quebec and French-speaking Canadians outside of Quebec.

We view the inclusion of Section 106A as a double-edged sword, especially in view of the Free Trade Agreement. On one hand, it allows provinces greater autonomy or what can be seen as having the ability to be self-governing, which is a very practical measure and one that we are striving for as aboriginal people. We can only speculate as to the long-term impact this will have on universal programs, and programs involving regional economic equalization.

The questions we have regarding this section are: what will ensure that provinces will maintain national programs in the area of education, training and economic equalization if it is seen to be a subsidy and, therefore, an unfair trade practice, and further to then be seen as limiting that province's ability to trade? What happens to those people, especially the aboriginal people in the northern part of this province and other provinces, who have given up a way of life that included a sustainable economy to assist the southern part of this country and the U.S.A. to meet its requirements for hydro-electric power?

* (1200)

We have been told that the universal programs will not be tampered with under free trade. We are concerned that the Meech Lake Accord gives the provinces a right to tamper, so in this way it is not very difficult to see the Meech Lake and free trade as companion agreements which, combined, allow for a greater access of the U.S.A. to the heart and soul of our country.

We welcome the proposed changes to the Supreme Court of Canada, especially in view of the nature of the presentations to the Aboriginal Justice Inquiry. We feel that with the ability of provincial nomination that the Supreme Court will be seen as a Canadian court, and not one that appears to advance only the position of the federal Government through the nature of its appointments. We feel then that the provinces will be able to set up nominating committees which truly reflect the distinctive needs—human, geographic and ideological—of that province.

In many ways, we feel that the Senate reform will also further these objectives. It could be a vehicle for greater participation of aboriginal people in the political process, although our concern is in the area of the very real possibility of provinces using their veto power to gain greater provincial control rather than guaranteeing direct and meaningful representation of aboriginal people.

Lastly, we feel that the First Ministers' Conferences dealing with the Constitution and economic matters may serve to consolidate powers at the expense of aboriginal people. We feel that it is of the utmost importance that aboriginal people be included in all First Ministers' Conferences, in all matters which affect them as decided by them.

Miss Delaronde: We have been asked by successive Governments to be patient and they will deal with our concerns, whether they be constitutional, economic, or social concerns. Well, we have been patient and we

have repeatedly trusted Governments to address our concerns to no avail. Is it any wonder that we are saying, as aboriginal people, that this trust may have run out?

At the last aboriginal conference in 1987 with the First Ministers, it was the First Ministers of this country and not the aboriginal leaders who could not agree on a definition of self-government and its need for entrenchment, that First Ministers agreed unanimously on a "distinct society" clause without definition. Further to that, in response to requests from summit leaders to meet with the First Ministers, Prime Minister Mulroney responded on May 29, 1987, approximately two months after the First Ministers' Conference on Aboriginal Affairs, by saying:

I have recently reaffirmed in the House of Commons my commitment to convene a First Ministers' Conference to discuss an amendment on aboriginal self-government, once conditions are conducive to success. However, circumstances do not appear to have changed sufficiently to warrant such a meeting at this time.

We wonder, does the Prime Minister attach the same kind of conditions to his meetings with First Ministers on the economy, or his meetings with the President of the United States on acid rain control. We do not think so. He sits down, rolls up his sleeves and gets to work. We are asking and have asked for no less.

Also, we have been told that, yes, the rights of aboriginal people, as well as women's rights, are protected in the Constitutional Accord. We believe that they are not. Section 25 and Section 35 are protected, but those sections do not guarantee the commitment to negotiate and to entrench aboriginal self-government. Therefore, if it is not spelled out, then it is not an issue for Governments.

Further, I have been told that the senator in charge of federal-provincial relations has stated that, if Meech Lake is not passed, we can forget about aboriginal rights for the next 10 years. I think those kinds of statements are reason enough for Senate reform. I would like to say to that senator that we will not allow you or any other person to kidnap our leaders with empty promises and hold for ransom our future, the future of our children, and our country, Canada.

History has also taught us that, even when our rights are constitutionally guaranteed, they are not necessarily protected and preserved. This is evidenced by the fact that the Metis in Manitoba are in Supreme Court now as a result of the land claims that were guaranteed in The Manitoba Act, 1867 (sic).

On June 14, 1988, the Prime Minister stated that just as surely as summer follows spring in Canada, we will be dealing with the outstanding issues of Senate reform and aboriginal rights. I call on the Prime Minister to put the very real human needs of aboriginal people and not the nebulous concepts of Senate reform first on the agenda. It seems also that fish have a higher priority than aboriginal people.

We would also ask the First Ministers of this country to join with the Prime Minister to announce a date immediately for the immediate resumption of First

Ministers' Conferences on aboriginal matters with a commitment to negotiate a settlement with our people as represented by our leaders. Nothing less will maintain the trust successive provincial and federal Governments have sorely eroded. Thank you.

Mr. Chairman: Thank you very much. Questions? Mr. Doer.

Mr. Doer: Thank you very much for what I consider to be an excellent presentation. There are some excellent points that are raised in terms of the concerns and questions and improvements that your organization feels are necessary to the existing Meech Lake Accord and the history of lack of trust in meeting those issues over the years. If we are not able to get the improvements in Manitoba, as recommended by the Alliance, and a year from now we cannot get any improvements with the Prime Minister and the same senator that you feel should be reformed—I would share that assessment—would it be the recommendation of your organization that we would vote against the Accord, as opposed to voting for it without those improvements?

Miss Delaronde: We have a resolution on our books opposing Meech Lake although, as we have stated, there are some good ideas within Meech Lake. But in terms of meeting the needs of aboriginal people, the needs of aboriginal women, we cannot support the entire document in its current form. So, therefore, we would request the opposition of Meech Lake.

Mr. Doer: Thank you very much.

Mrs. Carstairs: We have had two briefs today representing the Metis people and I know you were in the room. The first one seem to feel that we should pass it without any questions. This one obviously does not feel the same way. What do you believe to be your fundamental differences between the Manitoba Metis Federation and your particular Alliance? Is it the issue primarily of women and, therefore, the differences that go along with that gender definition, or do you think it is a more philosophically based difference?

Miss Delaronde: I suppose we could say that the difference is the philosophy of men and women and that could be it in part. Being a non-funded organization, I don't think Governments consider us to be a viable force within the Canadian structure so we are not in a position to be strong-armed or privy to discussions which happen behind closed doors. So there may be decisions that have been made over the last couple of years which affect the presentation presented by the Manitoba Metis Federation, but we are not privy to those kinds of discussions.

I think basically both organizations see some aspects of Meech Lake which are good. I do not want to start a fight between men and women. That's been going on for as long as—

Mrs. Carstairs: And will continue to.

Miss Delaronde: Yes.

Mr. Chairman: Any other questions? Mr. Praznik.

* (1210)

Mr. Darren Praznik (Member for Lac du Bonnet): If I may, I must indicate as well that I thoroughly enjoyed your presentation. I thought it covered very well the points that you raised. My question is one of clarification. When you talked about national cost-shared programs in the area of provincial jurisdiction, as well as the importance of having aboriginal input into First Ministers' Conferences.

I take it from your presentation your organization feels very strongly that in the development of programs that deliver services to people, there must be aboriginal representation into the development of those kinds of programs. Would that be a fair assumption to make?

Miss Delaronde: Yes.

Mr. Praznik: Thank you.

Mr. Chairman: Any other questions? Thank you very much, Miss Delaronde and Miss Bruderer.

We now have a presentation from Mr. Scott Gray, private citizen. Are you here Mr. Gray? Sorry, you were caught in the outrush for the school lunch.

Mr. Scott Gray (Private Citizen): I rarely had such an interesting effect on an audience before.

Mr. Chairman: Let me reassure you it was purely coincidental, sir. Actually we have not heard your presentation. We will make that judgment after.

Mr. Gray: That is quite right, Mr. Chairman, so perhaps we should wait for the final analysis.

Mr. Chairman, Members of the Task Force, I come before you as a private citizen concerned as I am in the political process. As some of the Members of the Task Force well know, I was a candidate in the last provincial election. I have the privilege and pleasure, as a result of that election, of sitting on this side of the table instead of that.

However, I do come before you to state my opposition to the Meech Lake Accord in its present form. I say that "in its present form" by way of emphasis, because I believe it is incumbent upon you Members of the Task Force to not simply reject the Meech Lake Accord in its present form, but to come to some sort of compromise proposal that we can take forward on a positive basis to the rest of Canada.

I believe, first and foremost, that your role and our role as presenters is to come before you as Canadians to better our country and to better the Constitution of our country. Now the Meech Lake Accord was conceived, as has been previously stated numerous times, with the basic thought of accommodating better Quebec within our Constitution. It seems to me that the accommodation we have achieved with this particular Accord is seriously flawed in that the types of things we would proceed to do subsequent to this—

that is to say the questions of aboriginal rights; the questions of equality rights for women. The questions of Senate reform should be addressed at this time and not at a future date. That is particularly important I think, Mr. Chairman, when we consider the question of the amending formula.

I do not have any particular position, one way or the other, with respect to the amending formula that's been proposed within the Meech Lake Accord. I think the thing that one has to keep in mind with respect to that is how flexible does one want one's Constitution.

The whole point I guess is that if we are going to have an amending formula that requires unanimity, it is best that we now deal with the issue of Senate reform, we now deal with the question of aboriginal rights and equality rights for women because, if we allow unanimity to become our strait-jacket, then we forego in large measure future amendments of the Constitution.

I ask you to look at your own position, that is to say that Manitoba and New Brunswick are the only two provinces that now oppose the Meech Lake Accord in its present form. If we even were going by the seven provinces and 65 percent formula, we would not be here because Manitoba and New Brunswick do not have the clout within our population to block the Accord. Now, if we were talking about a future situation, we could very well be in a similar situation where one or two of the smaller provinces in this country would block what otherwise would be considered to be the national will.

Don't get me wrong. In this particular instance, I think it is right and good that we look to unanimity because this is such a major change to our Constitution. But the point is that, if we go with unanimity from this point forward, we are abandoning to a large extent any significant changes that might be accomplished within those other areas.

I think it important that the issue of Senate reform in particular be addressed in future negotiations, that is to say within the context of the Accord. Whether you are ideologically opposed to the Senate in its present form or whether you simply believe that it requires reform, I think that there is, in western Canada in particular, a large measure of consensus that something has to be done with respect to the Senate, and I believe that the question of Senate reform and the aspect that it may lead to, that is to say of regional representation, is a good thing.

It is a good thing because we do not want to find ourselves in the kinds of situations where we have a legitimate reason to expect contracts like the CF-18 contract to come to Manitoba, where we have a legitimate reason to expect the Western Diversification Fund to be spent in Manitoba, and yet we really do not have the clout that is necessary in order to ensure that these things happen.

Now, if we are truly going to have a nation that is from sea to sea, we have to be in a position of exerting some sort of political force at the centre. Manitoba now is basically emasculated with respect to political power and that is really what we are talking about. Our

Constitution is the ultimate force in the delivery of that political power. As it stands now with 14 seats out of 295, we lose to Quebec every time and that is what happened with the CF-18. So, with respect, it would be my submission to you that you should put forward a substantial proposal for Senate reform at this time. Senate reform is a western issue. It is our issue and it is time that eastern Canada took note of us.

To be honest with you, I have lived in four provinces of the 10 in this country and I have visited all 10 and, quite frankly, eastern Canada does not understand the West's alienation, nor do they comprehend our cynicism when it comes to the federal process, and I say that as someone who was educated in eastern Canada. It is time that we stood up and were counted with respect to that. We simply cannot continue to be ignored by eastern Canada and, quite frankly, this Task Force is one of the best ways of ensuring that we won't be.

I guess what I am saying in the final analysis is that you hold a very large bargaining chip in the future of this country and, as Members of the Task Force, you as representatives owe us not only your representation but, as Benjamin Franklin said, you owe us your judgment. I put it to you that your judgment should be in this instance that these items that I have previously mentioned must be dealt with before we put in place an amending formula that would effectively ensure that the kinds of changes we look for in this country simply won't be effected.

* (1220)

There is one other item that I would like to address in closing, and that is the issue of the distinct society. As I have indicated to you, I have lived in many provinces in this country. I come before you as a Canadian, not as a Manitoban, not as someone simply from the Town of The Pas. I put it to you, the thesis that in fact the issue is not whether or not Quebec is a distinct society because it is only a part of a distinct society. The distinct society is Canada. We are the distinct society and, when you travel abroad, you know that, you realize that. People don't know Quebec or Ontario or Manitoba, they know Canada. It is Canada that we are in the process of nation building, that you are in the process of nation building. I think it is important and imperative that we understand that.

I object vehemently to the recognition of Quebec as a distinct society. It is perhaps a distinctive element in our distinct society that we know as Canada.

In closing, I guess I would simply point out to you that the use of the notwithstanding clause by Premier Bourassa in December is simply an indicator of what that distinct society will become. If you do not like the new sign law in Quebec, then you certainly can't like the recognition of a distinct society within our nation.

I'm proud of Canada. I'm proud of Canada as one nation with two languages and a multiplicity of cultures. What this Accord tends to do, and I know it's been said before, is to balkanize this country. If you do anything but put forward a proposal to alter that, then I with all due respect would say that you'd be in dereliction of your duty to this country.

So I would ask you, Mr. Chairman, and Members of the committee, to go forward in a positive manner to the rest of this country to say to them that Manitoba is taking an active role in building this nation, an active role in ensuring that we as a country grow together and not apart. Thank you.

Mr. Chairman: Thank you, sir. Questions now? The first from Mr. McCrae.

Mr. McCrae: Mr. Gray, thank you very much for what I thought was a very articulate presentation to us. I think what I gather from what you have said is you've placed your emphasis on one or two, maybe three, changes that you might like to see but, in terms of the process here, what kind of approach would you be recommending that we take in terms of amendments? Would you be suggesting numerous amendments and get it all the way everybody would like to have it before we proceed further, or proceed with a couple or three very fundamental changes that you think reflect the will of most Manitobans or reflect some kind of consensus, or would you suggest that we refuse to move ahead or accept the Accord as it is.

Now there are four choices, but what I heard you say was the changes should be made now. You've heard the expression, the other round or the next round and all of that. How much of your concern should be dealt with in the first round, the present round, and should anything be left for the next round?

Mr. Gray: I come before you, Mr. McCrae, submitting that these changes have to be made before this Accord can be ratified. I don't think leaving anything aside is a right or proper thing to do. The reason I say that is that you've seen the twisting in the wind that this country has gone through since 1987 with respect to this particular document, and I would put it to you that if we go through another process like that at a later date it is going to be significantly more difficult to accomplish the things that we want to do that ought to be within our Constitution and that, particularly if we go with an amending formula that requires unanimity, those accomplishments will be, if they are achieved, diluted to such an extent that they won't be of any value.

Mr. McCrae: I take it though that one of your recommendations would be to change the Accord with respect to the unanimity provision which could be changed at this round. Then are you saying that, having done that, other changes could come easier later on?

Mr. Gray: No, in fact, I think you are getting my meaning reversed. What I said at the outset is that I really do not care what the amending formula is after we complete our negotiations with respect to the Constitution because it is at that point that you have to ask yourself, well, how much of a strait-jacket do we want our Constitution to be in? To my mind, it really doesn't matter one way or the other as long as we get it right the first time, but the whole point is that we have to get it right this time. We have to make sure that the primacy of the Charter of Rights is enshrined. We have to make sure that as a result thereof equality rights are maintained, and we have to make sure that

aboriginal rights are given their due and proper place within our nation. Those are some of the things I think I mentioned previously.

Mr. Chairman: If I could just jump in on that Mr. Gray, I was fascinated by your presentation, not just the aspect of the amending formula but I found that very interesting. I want to ask you if I read you correctly. I think you are ambivalent about the amending formula because you realize that unanimity, in the case of Meech Lake, has provided this special voice for Manitoba and for New Brunswick. In other words, everyone has to say yes, so I think you are acknowledging that there is an upside to unanimity which speaks very powerfully of the equality of the provinces.

You were saying, however, that if unanimity is to be the rule, then we must clearly have certain changes to Meech before the consent of Manitoba and New Brunswick is given. Am I reading you correctly?

Mr. Gray: That is absolutely correct, Mr. Chairman. That is the bottom line on my submission, yes.

Mr. Chairman: Thank you very much. Mr. Praznik is next.

Mr. Praznik: Thank you very much, Mr. Chairperson. My question has to do with proposals for census and reform. Mr. Gray, you spoke very eloquently about Manitoba being emasculated with little political clout and Easterners not understanding western positions and our province being ignored by eastern Canada and you spoke about the CF-18 decision and others. I would like to ask you what kind of Senate do you envision, what kind of powers would that Senate have that on the one hand can address those concerns that you have raised, while on the other side maintain the strong Canada that you also advocated.

Mr. Gray: Well, with respect to that, Mr. Praznik, I am not sure that any one particular formula is preferable to one or the other. Certainly the Triple E Senate would provide for regional disparity being a thing that would be lessened significantly because, if you have to broker the votes of each of the provinces equally, then you have to also address their needs and concerns as well. But I am not necessarily saying that it has to be the Triple E Senate. It can be some other form of Senate.

I think that what you have to do though with the Senate is somehow strengthen the hand of the regions. I am just a simple country lawyer, I am not sure that I know the ins and outs with respect to doing that, but that is my point is that it has to be strengthened. The obvious choice in my mind is the Triple E Senate but I am not inflexible with respect to that.

Mr. Praznik: A very brief supplementary, as another simple country lawyer on this committee, just with respect to powers, some proposals have come forward indicating the Government of the Day should be responsible to the Senate as well as to the House of Commons. Others have talked about the Senate having simply a suspensive veto, or their powers being restricted to constitutional matters, appointments to Supreme Court, etc.

Where in that pendulum, if you could perhaps define a little closer what kind of powers specifically you would see the House, would it be one that the Government of the Day would have to be responsible, by having all of their legislation passed by that Chamber or it couldn't become law, or just a suspensive veto?

• (1230)

Mr. Gray: To be honest with you, Mr. Praznik, I am not sure. I will say one thing, that if you look to the South, if you look to the Senate of the United States where they have equal representation for each and every one of the states, I think you will find there the votes of Rhode Island count equally with those of New York and California. Rhode Island, as a result, is not ignored when it comes to the distribution of power within that country. Again, I am not by any means advocating the republican system or the Senate of the United States, but something has to be done and perhaps it is the Triple E Senate we should be looking at.

Mr. Chairman: I think in order of hands up, it would be Mrs. Hammond and then Mr. Doer. Mrs. Hammond.

Mrs. Gerrie Hammond (Member for Kirkfield Park): I just have one question, Mr. Gray. In light of what you said about the Charter of Rights, do you feel that the notwithstanding clause should be kept?

Mr. Gray: No, absolutely not. To be honest with you, Mrs. Hammond, as a practising criminal lawyer, I often see the judges of this country utilizing what I would consider to be the judicial notwithstanding clause, Section 1 of the Charter, to what I would consider to be less than—and I should not say "fair" because they are always fair and impartial, but perhaps less than—

Mr. Chairman: Worried about contempt, Mr. Gray?

Mr. Gray: —contempt outside the face of the court, Mr. Chairman, results which I wouldn't consider to be fair, I guess, is what I would say, Mrs. Hammond. So with that experience in mind and knowing the history of the use of that clause in Saskatchewan and in Quebec, I simply can't countenance personally, and I do not know how anyone else could except that in the heat of negotiations that might be utilized. I can say with pride, despite the fact I do not share the ideological bent of either of the present Government of Manitoba or the previous Government of Manitoba, that neither of them have ever utilized that clause and, I think, to their credit.

Mr. Chairman: Regrettably our time is up, Mr. Doer, and in fairness we will have to call it a day. Thank you, Mr. Gray, very much.

Mr. Gray: Thank you, Mr. Chairman, and Members of the committee.

Mr. Chairman: Mr. Pielak, thank you for your written submission, sir. We would be glad now to hear your words.

Mr. Percy Pielak (Private Citizen): Thank you, Mr. Chairman. My brief is somewhat a brief generalization

of my opinions only. I do not represent any group. I do not have any axes to grind except my own and it is not even much of an axe at that, but I would nevertheless like to proceed. You have my written brief in front of you, and perhaps you can just follow me along. It's only a couple of pages long, two-and-a-half pages. It shouldn't take too long.

First of all, I would like to take this opportunity to welcome the commission Members to The Pas, and to thank you for your part in these most important hearings. In expressing my opposition to the Meech Lake Accord, such as it exists, I am not sure I can add to what you have already heard or what has already been said. However, I do have some serious concerns which I would like to express.

To attempt to comment on all the specifics of the Accord would be a monumental task, so I will not get into all my views on the positives and negatives. I will rather deal with my most important concern and opposition to the Accord which is the "distinct society" clause.

We should not consider ourselves different from other Canadians because we happen to live in a particular region of Canada, nor should we put our own cultures first and be a Canadian second. We must all accept the fact that we are Canadians first. Then we can be whatever we want to be after that. This is not just an exercise of Manitobans versus the rest of Canada. We have not only something to lose, we have everything to lose. I have grave concerns that this great country of Canada, as we know it today, could be at the beginning of the end if this type of fragmentation is allowed to continue.

If there ever was a time in our short history of being a nation when strong leadership is essential, that time is now. The leadership must come from Ottawa. In my view, a strong central Government is needed to form a great nation and to keep it great.

The fact that someone has said (and we all know who that person is) that certain passages of the Accord are not worth the paper it is written on, should leave no doubt that Canada as a whole will face a serious crisis in dealing with the mosaic of different nationalities that make up our country. In my view, perhaps the different nationalities should or are made to feel "distinct." We do, after all, have a federal Government that hands out millions of dollars to promote many varied cultural activities. In other words, the concept of being a nationalist of origin is being promoted first and a Canadian second. We are a long, long way from being proud Canadians in the same sense as the Americans show pride in being Americans.

Traditions and culture run deep in most people and no one should be denied the right of their own particular culture, but to even remotely suggest that people who live in one region of Canada, and do, no doubt, have a strong cultural presence in Canada, should be "distinct" is not acceptable to the rest of Canada. We are all equal.

In conclusion, I would like to say that this is no time for politicians to try and run up a few brownie points

at the expense of doing irreversible damage to the whole Canadian nation and culture and image which, although only in its infancy, will someday become a mature and proud Canadian society and culture if we all work towards that end. Canada will then truly be the true North strong and free.

Again, my sincere thanks to the commission, and I sign my name as "First a Canadian." Thank you, Mr. Chairman.

Mr. Chairman: Thank you, sir. Any questions from the Task Force? Thanks again.

Mr. Pielak: Thank you.

Mr. Chairman: I wonder, Mr. Bodnar and Miss Pritchard, are you—is Miss Pritchard here? She left. Okay. Is Mr. Bodnar—not here either. All right, is there anyone else who would like to speak this morning who is not indicated or registered? Yes, sir.

Mr. George Debarr (Private Citizen): I would like to thank—

Mr. Chairman: Will you give us your name, sir?

Mr. Debarr: My name is George Debarr of The Pas, Manitoba, and I would like to thank you, Mr. Chairman—

Mr. Chairman: You are appearing as a private citizen?

Mr. Debarr: I am appearing as a private citizen—

Mr. Chairman: Okay.

Mr. Debarr: —and to the Task Force of Meech Lake Accord. First off, I would like to stipulate that I am Canadian and I understand that Canada goes from the Atlantic to the Pacific and from the 49th Parallel as far north as you can walk or run.

This Meech Lake Accord has bothered me since Day One because I think that what has happened—and I read a book. It says, if you are willing to go to any length to achieve something, then you will take certain steps to get it and I think that is exactly what Mr. Mulroney and his Government did. They wanted Quebec signed into the Constitution so bad prior to an election that they gave them anything and everything that they wanted.

* (1240)

I have very great reservations when, as in accordance to Section 2, that the Government of Quebec to preserve and promote the distinct identity. These words really make me gulp with that. My understanding as a Canadian citizen is that I have equal rights to the people and the rest in this country. I have had the opportunity to live or visit every province and territory in this country for extended periods of time. I have also had the opportunity to serve under the Canadian flag for a number of years. When one province has been given this stipulation that they are allowed the rights to be a distinct society, where does it go from

there? Do the Hutterites in southern Alberta become a distinct society? What about the Italians? What about southern Manitoba and the Ukrainians and the Germans and the Italians? Why are they not all distinct societies?

I think, as Canadians, we are a distinct society in a country. We are Canadians of all equal rights and opportunities. The Meech Lake Accord has been set up in such a way that they are telling me as a Canadian citizen that, hey, let us get this thing through and then we will talk about the other things. We will talk about the aboriginal rights; we will talk about the Senate reform; we will do all these other things, but we have to have Meech Lake first. Well, they are telling me that if I do not have a car, I cannot get downtown in The Pas. There is more than one way to do something. We do not have to have Meech Lake before we get aboriginal rights sorted out or Senate reform achieved.

I would suggest to this Task Force that this should all be included. Meech Lake should not be passed until this is included. It should be brought together as one thing because what is going to happen afterwards? I also have a problem with the notwithstanding clause that is presently in our Constitution. It has been proven by Quebec that after the Supreme Court of Canada has ruled, the highest court of our land, that for political privilege to save someone's butt, he turns around and uses a notwithstanding clause to satisfy the people in his province.

What is going to happen next? When is the notwithstanding clause going to be used in Quebec next, or for that matter possibly Alberta, could be used in any other province in Canada? I honestly believe that should be kicked right the heck out of the Constitution. I do not think there is any room for it once the highest court of our land has ruled that ruling should be changed, providing that the highest court of our land is following the laws and the Constitution of our land. That is what they are there for.

This was what I was taught in school. The Supreme Court of Canada was put there to make the final decision, if it was brought before it. They made a decision and a Premier, in order to save his political butt because he learned the last time what happened when he did not agree with the people, used the notwithstanding clause.

They tell us in this province that we are required to have both French and English in our provincial and federal institutions as a language of law, that people have the right. I agree with this in the sense that this is a bilingual country so people should have the right to use whatever language they choose. But if you go across the river in this town, and it's a good example, go to the Bank of Nova Scotia, you will see English and French, and almost 100 percent of the people who live across the river are Cree. It doesn't even make sense. You know, give the people the right to choose, the choice to the way that they want to be and the language they want to use and to live.

Certainly Mr. Broadbent, Mr. Turner and Mr. Mulroney all agreed with this Meech Lake Accord when it came time to an election because, as I heard previously, it's very obvious that Quebec throws a hell of a lot of

political weight when it comes to the election of a Party. If I was in Broadbent's or Mr. Turner's position, I would have agreed with it too, because I would have wanted to have been elected as a Prime Minister of Canada. I think this is the way they were looking at it. They were looking at their own political affairs before they were looking at the welfare of this country.

I would prefer that the Province of Manitoba, the present Government, and especially the Opposition, stand up and say, hey, look, we are not going to allow this Meech Lake Accord to go through. We will veto it and we will stop it until such time as the proper provisions are put in to give us the Senate reforms, the aboriginal rights. Take out this "distinct society" clause and make the people equal in this country.

Another thing that bothers me, and I believe it is in 101B (2) where it says that three of the Supreme Court judges in Canada must be chosen from the Province of Quebec. It is my understanding that in Canada we have 10 provinces and two Territories. Out of a chief justice and eight judges, they want three from Quebec. To me, that is not quite being fair to the rest of Canada. Maybe we have a smaller population up here. I have lived in the East for a number of years and they think we're all crazy up here, that we're crying because we just don't understand. I think we do understand.

Give us the right to be Canadians by making the Constitution something that Canada can be proud of. If we want a "distinct society," let's call all Canadians a distinct society, not one province or one race of people or one language of people.

That's all I have to say. Thank you.

Mr. Chairman: Thank you, sir. Any questions? I wonder, sir, if you might just spell your last name for the record.

Mr. Debarr: My last name is D-e-b-a-r-r and, for the record, I am unilingual and I happen to be of English descent, not French, but that does not make me bitter against the French or French-Canadians. I would also at this time, before I close, thank the Member of Parliament for this constituency for not answering my letters and phone calls five weeks ago so that I could have my name on the list to make a presentation by being able to obtain the information, the Act on Meech Lake. I would also like to thank the Member for the constituency, our local MLA, who did not answer my calls three weeks ago for the information. I never received the information from either the federal or the provincial Government and I would like to thank them for that. I received it this morning from the Opposition.

Mr. Chairman: Hopefully, sir, you would have seen advertisements which would have offered you a toll-free number to call and put your name on the list. Did you not see any advertisements in the newspapers?

Mr. Debarr: It wasn't published to my knowledge in the local newspaper. If it was, I haven't seen it.

Mr. Chairman: We also had radio advertisements. I'm sorry that you didn't get prior warning.

Mr. Debarr: It isn't the prior warning, it's the documentation that is required to create a proper

submission. To do something off the top of your head is not proper.

Mr. Chairman: Questions? Mr. McCrae.

Mr. McCrae: Just for the record, Mr. Debarr, I felt your submission was very well done and I think the rest of the Task Force will agree with me. Thank you.

Mr. Chairman: It will, by the way, be published, sir, verbatim in the official record of the Task Force, as everybody else will be published verbatim.

Mr. Debarr: Thank you.

* (1250)

Mr. Chairman: I am not sure if there are any questions to you. No, there isn't. Sir, if I may just make one slight correction, Quebec has always had three judges on the Supreme Court by virtue of it having a different civil law system than the rest of the country.

Mr. Debarr: Yes, I was aware and do understand that. I am suggesting that possibly this should be changed.

Mr. Chairman: Okay. Any other questions, gentlemen? Ladies? Ladies and gentlemen? Thank you very much, sir.

We will now adjourn until 2 p.m. this afternoon.

RECESS

* (1410)

Mr. Chairman: The continuation of the Meech Lake Task Force Public Hearing in The Pas. Just for the benefit of those who may not have been in the audience this morning, I would like to quickly introduce the Members of the Task Force to you. I would ask them to rise and be acknowledged as I introduce them.

First, I would introduce Mrs. Sharon Carstairs, the Leader of the Liberal Party and the Member of the Legislature for River Heights; next to her, Mr. Gary Doer, the Leader of the New Democratic Party and the Member of the Legislature for Concordia; next to Mr. Doer, Mrs. Gerrie Hammond, the Legislative Assistant to the Minister of Education and the Member of the Legislature for Kirkfield Park; on the other side, the Honourable Jim McCrae, the Attorney General of Manitoba and Member of the Legislature for Brandon West; next to him, Mr. Jim Carr, the Deputy Leader of the Liberal Party and the Member of the Legislature for Fort Rouge; at the end of the table, Mr. Darren Praznik, the Legislative Assistant to Premier Filmon and Member of the Legislature for Lac du Bonnet. I would also like to acknowledge the presence of the local Member of the Legislative Assembly, Mr. Harry Harapiak, your Member for The Pas.

We are to hear first this afternoon from Ms. Donna Pritchard, representing The Pas Association of the New Democratic Party.

Ms. Donna Pritchard (The Pas Association of the NDP): The first thing, when I get nervous, I talk really

fast. So if you guys could just tell me to slow down, I would appreciate it.

First of all, thank you very much for being here in The Pas. We really appreciate you coming up. I have already talked to Mr. Fox-Decent about the problems. Firstly, some of the working people who couldn't get away this afternoon or some people I know, who would be very much interested.

It's all in the paper right there, but first of all I would like to state the assumption that Members of the commission, regardless of their political persuasion, will be receptive of our concerns, the concerns of New Democrats in The Pas, but also of individuals. We have had several meetings of our constituency association and being open to members of the community, where we took all the opinions and tried to just get some feeling of how people are reacting to the Meech Lake Accord.

I am going to try and stay away from political kinds of things but, as New Democrats, we do share a vision of Canada in which justice and equality are paramount. It has been the opinion of our members that the Meech Lake Constitutional Accord, as it currently stands, jeopardizes this vision and, therefore, must not be approved by our provincial Legislature. It is a document which was obviously drafted in haste and without adequate consultation.

In summary, members of our constituency association have identified the following areas as major concerns and deficiencies with the document:

1. First of all, it does not acknowledge the primacy of The Charter of Rights and Freedoms.
2. It jeopardizes the aspirations of the Territories in gaining provincial status.
3. It poses a serious, negative impact upon aboriginal peoples.
4. It poses a threat to women's equality rights as guaranteed in the Charter of Rights and Freedoms.
5. There is no assurance of guaranteed protection of rights everywhere for both official languages. The Accord does not provide a satisfactory protection, given the demonstrated power of the notwithstanding clause of the Charter.
6. It threatens regional development with respect to the opting-out clause and the requisite of unanimity.
7. Senate reform, as a result of the unanimity clause, will be almost impossible to achieve in a fair and just method.
8. It erodes federal responsibility and jurisdiction in the implementation of federal social programs.
9. It impacts upon immigration policy, providing excessive power to the provinces.

In general, the Meech Lake Accord drafts a vision of Canada that we strongly object to. We do not approve of the balkanization of the country. We view the Accord as a breakdown of federal powers which may deleteriously affect the less affluent provinces. We also

perceive the Accord as the co-document for the implementation of the free trade deal in that federal powers become eroded, the provinces obtain more autonomy in negotiating deals, which may not be in the best interests of the nation.

We are aware there are a number of legal opinions on whether the Accord, for example, affects women or if it doesn't, but from our analysis it would seem that if it is going to be decided at the courts. Then somehow the drafters of the legislation have not fulfilled their duties at giving us a piece of the Constitution that is straightforward. I do not want lawyers determining for me, and I am sure that the Manitoba Action Committee on the Status of Women will be providing substantial documentation from their lawyers' opinions and how there are precedents in court where the intention of politicians, no matter how wonderful, doesn't hold up in a court of law.

We are concerned that in order for any group—women, the differently abled, aboriginal peoples, immigrants—to maintain the rights guaranteed in the Charter will require expensive court decisions and long delays in obtaining Supreme Court rulings.

We also fault the general rationale for the Accord. Although the achievement of having all the First Ministers sign a document is commendable and noteworthy, it does not, in our perception, "bring Quebec into the Constitution," given that Quebec was already a full and equal participant in previous First Ministers' Conferences, not that anyone in our group had ever expressed any anti-Francophone sentiments. I want to make that really clear that was not the issue.

There is so much "wrong" with the Meech Lake Accord I feel at a loss at identifying specifics, plus I have problems in basically understanding some of the language there. I had to whip out my Charter of Rights and do cost comparisons. But if I was just identifying some clauses that were problems for us: Section 1, the "distinct society" clause, and again I have heard it mentioned by the Metis Women's Alliance presentation and through Oscar Lathlin's presentation. We share exactly the same concerns about this. It is objectionable to women and differently abled, as well, that it does open the door for Quebec to erode the federal Charter of Rights and Freedoms. It is my understanding that the Canadian Paraplegic Association had that one objection as well. It is most clearly a threat to the aspirations of aboriginal peoples in achieving self-government and fails to recognize the distinct nature of aboriginal peoples as the First Nation. By identifying Quebec as "distinct," without acknowledging the distinct nature of aboriginal peoples, the Accord contradicts International Covenants and the inherent rights of Canada's first peoples.

Section 2. By allowing provinces to recommend Senate appointments, there remains the possibility that provinces will recommend individuals whom it is believed will further the provincial interests. This has potential negative impact upon aboriginal peoples due to systemic discrimination. As an illustration, it would be in the best interest of the province to not recommend individuals who strongly endorse self-government for aboriginal peoples.

Section 6. Similar concerns as above were raised with respect to the introduction of systemic discrimination into the selection of Supreme Court Justices, and I think that is the result of 101C.

• (1420)

Section 7. Serious implications arise from the possibility of provinces opting out of shared-cost programs. Social programs, regional development programs that would be of benefit to aboriginal peoples, and programs of specific interest to women are particularly at risk. To illustrate these concerns, we question the implications to the Atlantic and prairie provinces should Ontario wish to opt out of Unemployment Insurance or Canada Pension. Day care programs would also perhaps be at risk. National objectives are not defined, nor is there a mechanism established for determining "reasonable compensation," should the province decide to opt out. Crucial standards, such as comprehensiveness and accessibility, are not mentioned.

I lump Section 8 and 13 together and again, as previously stated this morning, there is no mention of any First Ministers' Conference with respect to aboriginal rights or of the involvement of aboriginal peoples as participants in First Ministers' Conferences in which an item of direct interest to them, such as fishing, etc., is on the agenda kind of stuff. It is very likely that the concerns of aboriginal peoples will be neglected.

Section 9. The unanimity requisite poses additional barriers to the formation of new provinces and to the settlement of aboriginal land claims. With respect to provincial status, given the high percentage of aboriginal peoples residing in the Territories, it can be argued that not only are the rights of all territorial residents jeopardized but that aboriginal peoples are in particular being discriminated against. It seems improbable that adequate Senate reform could be achieved as provinces are caught up in preserving their own power base.

41(i) introduces another notwithstanding clause and it is uncertain to us what the implications were. I could not get a definition on that.

Section 16 is the one that I was most familiar with. The most glaring and obvious problem of the Accord to women, the differently abled and other groups mentioned in the Charter of Rights is exemplified in this section. If the intent and focus of the Accord was linguistic rights, then this section provides no assurance whatsoever to anyone. By specifically referring to Sections 25 and 27 of the Charter of Rights and Freedoms—and we felt that did not adequately anyhow represent the concerns of Metis peoples, a hierarchy of rights is established. By being an amendment to the Constitution, the Accord becomes part of the Constitution and will take precedence over the Charter. We view this as a very dangerous area as there is substantial legal opinion that would suggest that—and forgive my Latin on this one—"expression unius est exclusio alterius,"—people are nodding, not too bad—would take effect, that is, by expressly mentioning one or two items on a list, then the implication is that it

was your intention to exclude all others on the list. There are other implications, but it is my understanding again that the MACSW brief will go over the other ones.

So, in conclusion, we are of the opinion that Meech Lake must be stopped until these concerns are addressed. Manitoba is in the unique position of protecting the rights of Canadians from a flawed, badly written and unjust document. A Constitution should not be written in a "weekend away from home" by 11 men who were deprived of consultation with those individuals who would be most affected. We can afford a better Accord. It is ridiculous to assume that the Accord be passed and that we "trust" the First Ministers to fix it up later. That just would not happen. I do not think if we cannot get amendments down now and agreement on that basis, how can we perceive of agreements in the future? That is it. Thanks.

Mr. Chairman: Thanks very much, Ms. Pritchard. We will take questions now.

Ms. Pritchard: Nothing too difficult, please.

Mr. Chairman: I think you can probably handle them quite well. Mr. Praznik will start the questioning.

Mr. Praznik: I quite enjoyed your presentation, and the question that I have is really one of a little bit of clarification on your comments as to Senate reform. We, as a Task Force, have heard many suggestions here today and in other locations throughout the province about what a reformed Senate would look like. I note with interest in your presentation, you expressed a concern about senators who would be appointed on the recommendation of provincial Governments to pursue provincial interests, and you expressed other concerns about the balkanization of the country. In that context, what kind of Senate reform would you envision, or what would you recommend that the nation should be looking at?

Ms. Pritchard: I wish I had an answer to that. Because our submission was based on the group discussion, there were as many views of what a Senate should look like. So, I am sorry, I do not have definitive answer that would represent the group.

Mr. Praznik: That is exactly the problem I think we all face. What does it look like?

Ms. Pritchard: Exactly, yes.

Mr. Chairman: Other questions?

Mr. Praznik: My question was asked and answered, Mr. Chairman.

Ms. Pritchard: Am I getting away easy?

Mr. Chairman: On your discussion regarding Section 16, or Clause 16, of the proposed Meech, Ms. Pritchard, you mentioned the hierarchy of rights issue. Would it be a solution to put in Section 16 a statement that says, "nothing in Clause 1 will affect the Charter of

Rights and Freedoms;" in other words, to put the whole Charter in as a non-derogation in Clause 16? Thereby, all the rights contained therein would be protected. Is that in your opinion the way that 16 should read if one were to retain Clause 16?

Ms. Pritchard: My understanding is the MACSW original position and the Westman Coalition for Equality Rights was indicating that would be a concern and that would solve that particular problem.

There was one other document. I think the Tory-something legal associates had indicated that there might also be a problem with conflicting rights as well. For example, they were concerned about women's rights as Canadians versus the rights of a cultural group to imply certain behaviours. The only thing I can think of offhand is, say, if one religious group or one cultural group wanted to ensure that their women would dress in a certain method, does that cover it? I don't know if that would, but the general consensus is that if the Charter was given primacy, that would solve that.

Mr. Chairman: I have to tell you that there is strong legal opinion that suggests the proposed Clause 1 of Meech Lake or the new Clause 2 of the 1867 Act, whichever way you want to look at it, does not in fact in any way impinge on the Charter of Rights and Freedoms. There is a strong opinion to that effect, but that does not prevent a non-derogation clause which assures that opinion is accurate. Of course, Clause 16 is a non-derogation clause, but your fear, as I understand that it is, that in mentioning specific rights within the Charter, it may therefore in fact suggest a hierarchy of rights.

Ms. Pritchard: Exactly.

Mr. Chairman: So therefore, the solution from your point of view—and please don't allow me to put words in your mouth. I have a feeling you wouldn't do that anyway, but I just want to be clear that you would like to see the whole Charter as a non-derogation issue in Clause 16, as opposed to picking out parts of the Charter. Is that correct?

Ms. Pritchard: Exactly. That would solve that one, but I'm not sure it addresses the other concerns raised of the aboriginal rights. I wouldn't want us to start saying, okay, we'll give this to the women and deny the aboriginal rights, the same kind of discussions that were occurring during the development of the Charter of Rights and Freedoms. I don't want trade-offs occurring.

Mr. Chairman: Thank you very much. Other questions? Thanks, Ms. Pritchard.

Our next presenter is—I'll just get my list, although I know who it is without looking at it. It's Mr. Bodnar, representing the Moose Lake Indian Band and the Moose Lake Council.

We're ready to proceed, sir. I wonder if you might be just kind enough to tell us a word about the group that you represent, how many people are involved in the band and what the council represents and so on.

Mr. J. P. Bodnar (Moose Lake Indian Band and Moose Lake Council): First of all, the Canadian executive organization got a letter to assist approximately 1,250 people to be able to understand the mechanism of the Accord. As a result, we've had many, many meetings on it to be able to arrive at some form of presentation here, but for me to be able to tell you that the number of suggestions, complaints and misunderstandings that took place, I would be here for an hour sitting just telling you all about it. So instead, what was decided, that I would present to you today a condensed opinion, or decision rather, on two points.

The point first of all that I would say, Mr. Chairman, and you representatives of the provincial Government, is that it is very, very difficult to be able to put across to people throughout northern Manitoba where I travel, not only Moose Lake, what the meaning is of Meech Lake and what is it going to do for Canada. I think this is the area where even here I sit before you with all these people back of me, I dare say that about 60 percent do not really know the true meaning of this particular Accord. So therefore, if we turn the page now and you go to what you have asked me for, that is to say that I am representing the Moose Lake Indian Band and the Council.

The Moose Lake Indian Band Chief, James Tobacco, was to be here with me today but, due to the educational problem in the City of Winnipeg, he had to be there. The council, on the other hand, were also to be here today. They have a problem with—well, plain meeting on how do they arrive at having a dry reserve, so both of these people who were supposed to be here are not. However, this does not stop me from giving you a condensed decision that was made at the meetings.

Now, they are in two parts. First, there is the "distinct" part and then there will be the aboriginal part, and it is up to you, Mr. Chairman. I think if we go through maybe "distinct" and, if there are any questions, it might be more easily understood, and then we will travel on to the second portion of it.

* (1430)

Mr. Chairman: With respect, sir, I think we would like to hear your whole brief and then we will question you after.

Mr. Bodnar: All right, that is fine. Okay, the question of declared and legislated Accord declaring Quebec to be the "distinct society," giving that province special powers over immigration and over means of promoting and preserving its distinctiveness will create a hierarchy of the right in the rest of Canada, paving the way for guarantees in the Canadian Charter of Rights to rule by distinct Legislature into the future, which we must prevent being allowed now or ever.

Many questions of which this submission might have dealt with must be left open. No one has seriously considered, for example, the question of factors determining into which of the two main elements of bilingualism in nine provinces and the rule by a distinctive society in Quebec.

The question of the factors determining into which of the two present and future immigrations

assimilates—conversely, we should know more about the way in which the entry of immigrants who have distinctive traits affects the structure of our existing society.

The typical ways in which the newcomers find niches in the economic process, the relation of careers and their speed in learning the language and the successive transformation could be more detrimental to Canada if another one or two million population was added to Quebec.

Quebec has an immigration office for most parts of the world staffed in assessing the immigration applicants suitable to enter Quebec, and any applicant that becomes eligible must remain in Quebec. The only Canadian immigration authority over Quebec is the screening of criminals in all forms of activities. This is to be noted that this policy by both Canada and Quebec is only applicable to Quebec and not to the rest of Canada.

By agreeing to give Quebec the powers of this distinct rule by Quebec, it could very well develop to overrule Canadian immigration completely in the next decade, having some similarities in the direction that the Province of Quebec is projecting their future, as an example.

Firstly, in the 1980 Constitution, Quebec refused to enter without the notwithstanding clause which was granted, including nine other provinces. By 1987, Quebec realized the notwithstanding clause did not achieve the high authority over the other nine provinces, resulting in a new approach for the 1987 Meech Lake Accord with the authority of a distinct society with powers that would supersede the nine other provinces.

By agreeing to the Meech Lake Accord by the nine other provinces, it would in fact strengthen the Constitution for the Province of Quebec twofold. One is being able to use the notwithstanding clause in federal jurisdiction with nine other provinces. Secondly, it would give them the power through legislation in their own province in all vital matters concerning the political consequences of their diversity of their culture, which to them is most important, being very close of their minority position in Canada.

Today, the aboriginal people, as we heard them this morning, of the western provinces are continuing to go through a process of rapid adjustment, and there are signs of increased recognition of their problems on the part of the white man that the aboriginal nations warrant administrative thought and action.

A committee composed of Members of both Houses of Parliament is holding studies at the present time. Its aim is to recommend policies in regard to the future of the Canadian aboriginal people.

Perhaps this commission, in holding public hearings, will seek out from the presentations received, as in this case The Pas and its beginning of northern Manitoba with a population of 76,000 people of which 27,000 are of aboriginal nation—now when I say "aboriginal nation," I mean they are Treaty people—and that the information gathered will provide a turning point in the history that as protectors of the aboriginal people they

must review the grave responsibility that they have undertaken from the role of undisputable masters of our wilderness. Their future is, by and large, the future of other minority groups.

Their problems are those of other minority groups presently developing in Canada and they would have behind them a heritage of their own.

The answer must be provided by including the rights for aboriginal nations for self-determination and self-government in the Meech Lake Constitutional Accord. Providing the opposite opportunities, as to the control of northern resources, is in the hands of the provincial Government, making fortunes out of the resources throughout the regions where the Indian reserves are located, has been achieved mainly by persons of other provinces from Canada, USA and, from some extent, Great Britain. With a control of the money in their hands, it has led to a growing feeling of the Indian nations as the hewers of the wood and the drawers of the water in their own lands. A conviction they are ready for these conditions lies in some form of self-government to be able to compete with this situation.

Mr. Chairman, this is a condensed form and I am hoping that—as I said earlier, there are a lot of questions that were left open, and I hope I will be able to answer some of them.

Mr. Chairman: Thank you, sir. Any questions from the Task Force? Sir, is CESO the one that I know, Canadian Executive Services Overseas?

Mr. Bodnar: Right.

Mr. Chairman: I wondered.

* (1440)

Mr. Bodnar: If I may just enlarge on this. I have had opportunities to go to India, different parts of the world, but I choose northern Canada, northern Manitoba, simply because I think CESO, as we will be discussing this issue on June 1 and 2 at Edmonton, that there is a lot of work to be done to be able to do exactly what I am doing here today—is telling you what I found.

For example, when you look at the record of Canada, we have over two million, say, square miles of land. In Manitoba now—this is really what my concern is—I am looking at 220,000 square miles as opposed to the eastern part of, say, Quebec, as one example, 524,000 square miles. This goes on and on towards people, towards everything else. It just brings to mind that, as we heard this morning, there has got to be some equality.

For example, in 1928-29, the late W. L. Mackenzie King, I have the copy of the agreement whereby he tried to implement an agreement in Canada. When the boundaries of each province were extended, he promised in this agreement that there shall be equality between all provinces in Canada as outlined in Confederation. Sir, that never took place. It is things of this kind I think we cannot, at least in my opinion, sit down and say, oh sure, we agree with the Accord.

Equality, as the young lady said before me is something that—it is not our fault we have only 220,000 square miles. It is not our fault that we have only 1.8 million people as opposed to 660 in Quebec, or in Ontario it is 9 million. In other words, in talking to these different people who I have discussed this matter with, the 8 million people in the western provinces, 80 percent, almost that is in the Province of Quebec. Therefore, we have got to have some uniformity, some equality, to be able to survive in this system.

Mr. Chairman: Any questions for Mr. Bodnar? Thank you very much, sir.

That ends my formal list but there are other presenters I know this afternoon. Could you give the additions, Mr. Remnant, please.

Next is Mr. Syd Allen who appears as a private citizen.

Mr. Syd Allen (Private Citizen): Good afternoon, Mr. Chairman, and Task Force Members, ladies and gentlemen. I come here today representing myself. I have had some meetings with myself and, while I may apologize for some of my legal and technical expressions, I make no apologies for my thinking. The Meech Lake Accord, to me, is something that should not be considered at all by any of the Premiers of Canada. I cannot understand their thinking, firstly, for what the Accord says. It says that there should be a distinct society in Quebec.

I will have much more to say about this later, but the "distinct society" clause is not, as far as I have read, thoroughly interpreted and the powers given to it are not clearly defined. What the Meech Lake Accord does not say refers to women's status and rights, aboriginal status and rights and claims. The designation of Territories as provinces is very difficult to understand that they would attempt to come into being because of the necessity for all provinces to consent. Regional disparities enter into pictures of all provinces, and I cannot see the 10 provinces agreeing at any one time.

As far as the Quebec people are concerned, in my estimation, they are no different than any other immigrants who came to this country with their customs and their religion and their special way of social activities. What the distinct society will do, in my estimation, is give the Quebec people powers that will make the notwithstanding clause in the Constitution look like a very, very minor power. For instance, if you take the notwithstanding clause out of the Constitution, no provinces can thumb their nose at the provincial Government or the Supreme Court. If you put Meech Lake in their in its stead, one province and one province only will have the power to disregard any laws of the Constitution or the Supreme Court, and that province of course will be Quebec.

In the first place, not being a legally educated person, I cannot see how the Province of Quebec could invoke the notwithstanding clause when it was not a member of the Constitution. It did not join Canada as a member of the Constitution. Can some legal brain tell me how that happened, how they could do that?

The thing that strikes me about the fact that Mr. Mulroney says that the Accord is carved in stone. Who

ever heard of an Accord, an agreement, even a Constitution that could not be negotiated in some manner? It goes without saying that there should be some negotiations available to the people of Canada, to the Premiers and to the Members of Parliament. But apparently, Mr. Mulroney says you either sign the Accord or you have no possible chance of getting Senate reform. Is that blackmail or isn't it? You're damn right it is.

I don't see why, as a bilingual country—and I agree with the fact that we have a bilingual nation—that Quebec can not abide by the laws of the country and not get a word out of our Prime Minister. The English-speaking people of Quebec have been made second-class citizens, and I think this is a grave error.

* (1450)

If history reports in the years to come that Quebec has separated from Canada, there are three people I would lay the blame on. That is Mr. de Gaulle, Mr. Mulroney and Mr. Bourassa. In agreeing to the "distinct society" in the Accord, Mr. Mulroney has set the scene for the Quebecois to work definitely towards separation, and we don't want Quebec to separate. We want Quebec part of our nation and we would work very hard to have this be maintained. I don't see how they can say that it's the people outside of Quebec or the English-speaking people in Quebec that would cause them to separate, except this avenue was given. Either you sign them as a "distinct society" or they leave us. To my way of thinking, this is incomprehensible. I don't think that we should have to face that type of a decision.

That is my opinion as far as the Meech Lake Accord is concerned. I thank you.

Mr. Chairman: Thank you, sir. Any questions? Thanks again, Mr. Allen.

Mrs. Gardiner. Is Mrs. Gardiner here this afternoon? Would you like to tell us who is here from the Margaret Barber Collegiate this afternoon, please.

Mrs. Catherine Gardiner: I have one Grade 9 social studies class in Section 5, and we have just finished studying the constitutional development of Canada and this just came along at the opportune moment. Thank you for having us.

Mr. Chairman: You're very welcome.

Our next presenter is the Mayor of The Pas, Mr. Bruce Unfried. I think he is appearing as a private citizen. I'm delighted to see the Mayor here. Sit down, sir.

Mr. Bruce Unfried (Private Citizen): Thank you very much, Mr. Chairman. I would like to formally welcome the Members of the Legislative Assembly to The Pas today. I am here speaking not as the mayor of the Town of The Pas but as a private citizen. I would, however, just like to formally welcome each of you here. I will have to tell you that today, unfortunately, has been the coldest day of the year we have had in The Pas, so it is too bad that you are here. Secondly, as you prepare for Thompson tonight, there is a sale on snowshoes

at some of the stores downtown, so welcome to The Pas. We are delighted that members of this community have had an opportunity to make presentations here today.

The heart of my presentation, unlike the previous presentations, will focus mainly on the process utilized to attain the consensus of the provincial Premiers who were signatories to the Accord. The rationale for my decision to comment on the process involved is I am very concerned that issues of national, provincial and individual importance will no longer be resolved by public debate in Canada. This is not meant to be an overstatement but a real concern.

I would not only want to refer to the Meech Lake Accord but I would like to draw some similarities with the patriation of the Constitution and the recent Free Trade Agreement. I happen to believe as an individual that the process involved is as of equal importance as the content of the Accord. The problem is that in Canada the content is decided upon first and from there the process evolves and flows.

With reference to the Meech Lake Accord, on Wednesday, June 10, 1987, 10 Premiers and the Prime Minister culminated approximately nineteen-and-a-half hours of discussion in camera and agreed upon the content of the Accord. There was no national debate, no attempt at allowing the Canadian people to have any input.

I am concerned about the secrecy and the hurried time line. Suddenly Quebec was recognized as a "distinct society." Premiers were able to nominate candidates to the Supreme Court, every province had veto power over constitutional amendments, and there were other clauses included in the Accord.

We are then told that the Accord must be ratified by all Premiers by 1990. We are then told that the Accord cannot be changed. We then have the sad spectacle of our Leaders, both former and present, bashing each other over who is a patriot and who is a traitor.

Shortly after the signing of the Accord, former Prime Minister Pierre Elliott Trudeau slams Prime Minister Mulroney and calls him a weakling. Mr. Trudeau further states that, if the Accord is ratified, it will render the Canadian state impotent.

Two weeks ago, Prime Minister Mulroney retaliates, blasting Mr. Trudeau with comments to the effect that the notwithstanding clause has made the Constitution worthless.

The level of debate hardly augurs well for any Canadian to have faith in our system. If we support the Accord, we are caving in to Quebec. If we are opposed, we are anti-French and bigots. I liken this process to the free trade debate, an eleventh-hour deal cut by Canada and United States. In the aftermath of the deal we then have another spectacle of name-calling: wimps, patriots, traitors.

I believe that a similar analogy could be drawn with the patriation of the Constitution in the early 1980s. However, in fairness, I believe there was much more national debate on that issue.

My question to this group is, is this the new process for debate on national issues and, more importantly, is this the process for developing a framework for our Constitution? If it is, then I believe we are in trouble. The Meech Lake Accord is not perfect. It has flaws like all of us. I believe it happens to represent a microcosm of Canada. It reflects the diversities, a full range of opinions. Anyone sitting here today has had the opportunity to see the diversity of opinions from different groups.

I do not envy your job. I believe your job is one of major importance, not only to this province but to the country we know as Canada. I believe Manitoba can show the leadership in taking the time, listening to the people, and I hope that we as individuals will then put our trust back in our leaders. We have to trust our leaders, the people we elect. My concern has been, in this whole process, that there has not been the opportunity for good solid grass-roots debate on an issue that is of fundamental importance to not only Manitobans, but also to Canadians. I would ask that you consider these points in your deliberations. Thank you.

Mr. Chairman: Thank you, sir. Mrs. Carstairs.

* (1500)

Mrs. Carstairs: Thank you, Mr. Unfried. I am delighted with the kinds of ideas you have expressed today because we have hinted around, in a number of briefs, about process but yours focused on it. I am going to ask what I hope is a simple question.

Would you like to see, among our recommendations, should there be recommendations for change to the Meech Lake Accord, a constitutional amendment which deals with process, which requires the participation of the public before a future constitutional resolution is approved by the Premiers and the First Minister?

Mr. Unfried: Yes, I would.

Mrs. Carstairs: Thank you.

Mr. Doer: First of all, I did enjoy your presentation. You did point out there was less anger at the end of the day in the '81 period, because I think there were a lot of changes made. There were accommodations and the original document was built upon by Parties and regions and groups as we moved along, as opposed to this one, which is a take it or leave it kind of thing.

In saying that we want more grass-roots participation and involvement, yet in the United States where there is the ability to have a referendum to amend the Constitution to have the Equal Rights amendment in it has failed for years, because of the inability of referendums to amend the Constitution. We have a better Constitution in terms of equality rights, one would think, versus the grass-roots American experience. I would just be interested in your opinion on that, how it fits with our experience south of a totally grass-roots kind of campaign that does not always adapt itself to change.

Mr. Unfried: Well, not being totally familiar with the American political system, I think my major response to that, Mr. Doer, would be that I think there has to be some recognition that, as a country, we are becoming unable to debate issues of national importance as I think they should be debated. Now what shape that should take or what country we should follow, I am not sure. Maybe we have to develop our own, because I think Canada is unique in the sense of its make-up, its provinces, the way its politicians are elected. I happen to be of the opinion we have to place some faith in our elected representatives. What I am finding is that to try and get a consensus on an issue is almost impossible.

Mr. Chairman: Other questions? Mrs. Carstairs on the second round.

Mrs. Carstairs: I would like to lay just a scenario in front of you to see if it gives you any kind of comfort level.

If the First Ministers coming out of either Meech or Langevin had not signed anything that said, "we want to take this to the public for discussion," and public hearings had been held across the country and then they had come back and come up with a second document, would that have given you some sense of greater satisfaction with the way in which we dealt with this process, rather than what we are going through right now?

Mr. Unfried: Yes, it would have, Mrs. Carstairs, because I think then we are putting the process at equal plane, or at least prior to the content issue which I think we've reversed here.

Mr. Chairman: Are there any other questions? Just at the risk of sounding a little self-serving, sir, it might interest you to know that we will hear almost 300 at this stage of the game in Manitoba, which is almost triple what was heard in any other province by way of witnesses in oral presentation. We will be the only public hearing to take our hearing to a Native community, as we did to Island Lake last week. So I hope you have some sense of comfort that we are, at least within this province, determined to hear every Manitoban who would like to speak to us on the subject of Meech Lake.

Mr. Unfried: Yes, Mr. Chairman. It is regrettable that those same rights were not given to other Canadians in other provinces.

Mr. Chairman: Thank you very much, sir.

Mr. Unfried: You're welcome.

Mr. Chairman: Do we have other members of the audience who would like to make a presentation who might not be on the list? Any other members of the audience? If not, we have promised—yes, sir, would you like to come forward?

Mr. Walter Rudyk (Private Citizen): I have no brief.

Mr. Chairman: That is not a problem. Come and be seated. Are you going to come forward, Ms. Gardiner?

There seems to be some pressure from your students.—(Interjection)—Well, students, you have a few minutes to convince her while we are listening to this gentleman.

Mr. Rudyk: Good afternoon, Mr. Chairman.

Mr. Chairman: Good afternoon, sir, if you would just identify yourself.

Mr. Rudyk: My name is Walter Rudyk. I am something like that other gentleman, Syd Allen, representing myself. I am a retired engineman. Hopefully, I will not get overly hyper, because a lot of things I hear on the radio or read and sometimes I start talking to the wife. She says, what are you telling me this for? I said, well, aren't you concerned? Obviously, she is less concerned about what I am concerned. Maybe that is only fair.

As for Meech Lake and a distinct society, like the fellow—I believe it was the first guy on the road—who said, "Canada is a distinct society in itself." I had a daughter in France for two months, a younger daughter was in New Zealand for eight months and she tells me that Canada is very well recognized by people. She was proud to be a Canadian and there wasn't any discussion insofar as French or English. We are all Canadians.

Like a lot of local people, aboriginalists, said that they should be first recognized as a distinct society. Even though I am a first generation—or not even a first generation, I am an immigrant. I do recognize their rights as a distinct society because it was not the French or English who discovered Canada, nor was I. I came at their pleasure to accept us, that is whether they accept all at their pleasure that is debatable.

I also find it hard to understand when you read Maclean's, read Time, read Readers' Digest, Newsweek, how could it be that 10 Premiers and one Prime Minister locked themselves in for 19 hours or 18 hours without getting any consent or hearing from others, even the people who elected them? If that was agreeable, and they say this is what we agreed and everybody ought to sign, if not, you might as well kiss Quebec goodbye or kiss Canada goodbye, I do not agree with it.

I think the Meech Lake or Constitution is important enough that all provinces should have had hearings like we have here and should have the consent or at least hear the expressions of people as a whole. I frankly think that even in Quebec, if Bourassa had had a hearing like we have, that probably would not have been all that automatically applicable.

Now this notwithstanding clause, I remember quite well when it was not so much Rene Levesque that fought that, it was the Premier from Alberta, I believe, the Premier from Manitoba and the Premier from B.C. That was the only way that Mr. Chretien and Pierre Trudeau could repatriate the Constitution. They were the Premiers who used it already. It was the Saskatchewan Premier who used it about the French language and court papers. I believe it was the Alberta Government that used it when one MLA got up and spoke French and he was overruled and they used this notwithstanding clause. Eventually, I think the court overruled that, too.

* (1510)

But the fact is we blame Quebec to use the notwithstanding clause to overrule the languages of signs, which is true, but it wasn't so much that Quebec put them in there. It was the prairie provinces and we should blame our former Premiers to get that thing in there. It is our job now, if we want to have it amended, we should strive for that. It was handed over to Quebec actually. When you look at the rights of aboriginal people, when you look at the rights of women, it is everything stands in the provincial Government which has created 10 kingdoms and virtually every Premier could use this notwithstanding clause and overrule the Supreme Court. So what is the sense of having the Supreme Court when they rule it one way and the Premier uses the notwithstanding clause and overrules it?

As far as languages, I am too old to learn French, but I am learning and my kids are. I have nothing against it. I think the more languages you do know the better it is, since we live in a small world now and there is nothing wrong to know more languages. But if they say "French only" in Quebec, I probably would have a harder time—oh, maybe not exactly me, but other people would have a harder time—to convince their children that it is for their own good to learn French. So I think we should appreciate and accept our country as it is. Thank you very much.

Mr. Chairman: Thank you, sir. Any questions from the Task Force? It is a very well-informed presentation, thank you.

Mr. Rudyk: Thank you very much, sir.

Mr. Chairman: Any other presentations? We are expecting one at—yes, sir?

Floor Question: I would like to ask you a couple of questions, that is all.

Mr. Chairman: Come and sit up at the microphone. Sit down, sir, will you? Our problem is that we really haven't—

Floor Question: No, no, I'm not going to. Why don't they make a distinct society, every province a distinct society? Then it will cure everything. Then we can step on Bourassa's toes a little bit in Manitoba, instead of being a black sheep for the last 50 years that I know. Manitoba is nothing but the black sheep today.

Mr. Chairman: Well, I will take that as a comment, sir. We are not in the business of answering questions. We are here to listen to you.

Floor Question: You dignitaries should know that and should put your mind to it. That is why, you people, we elect you. Why let one province run the others? My great-grandfather came to Winnipeg with nothing but froghole and oxen and now my grandchildren have got to learn French. English is no good any more. What is going on? That is all I have to tell you.

Mr. Chairman: Thank you, sir.

Do we have any other presenters? We have a lady who is a working lady and, therefore, cannot get here until 3:45 p.m. We have committed to see her at that time. If there is no one else now, we will adjourn until 3:45. Yes, ma'am? -(Interjection)- Please do. Perhaps one of the staff would get the name from the last gentleman for the record. He has just gone back into the audience.

Ms. Alyson Barnett-Cowan (Private Citizen): My name is Alyson Barnett-Cowan. I am an Anglican priest.

Mr. Chairman: I am sorry, I missed the name. Would you say it again?

Ms. Barnett-Cowan: Alyson Barnett-Cowan.

Mr. Chairman: Thank you. Is that a hyphenated last name?

Ms. Barnett-Cowan: That is right.

I have several angles at which I come at the Meech Lake Agreement. One is as a person who has worked for 11 years in ministry now with aboriginal people. Since the beginning of constitutional talks, even before the repatriation of the Constitution, I have been very concerned that aboriginal people have not been properly represented and involved in the constitutional process.

The Meech Lake agreement, it seems to me, is an end run around any attempts to properly involve aboriginal people in the Constitution. The designation of Quebec as a separate "distinct society" seems to say that Quebec is, but others are not. To me, it has always been important that the First Nations be perceived as having a greater claim than they do in the constitutional process.

The second perspective from which I approach this is as someone who has lived in Quebec, as part of the English minority in Quebec, and while in Quebec realizing that the need for Quebec to have its own place is extremely important, I had great sympathy for the majority in Quebec even though I was in the minority. Now as a member of the majority in the rest of Canada, I have sympathy for the minority Francophone population among us, and I realize there is a need for justice and balance.

I think that the particular solution that has been reached is not one that does that. I think what we have seen as a result of an indication of the notwithstanding clause and the heightened feelings since the Meech Lake Accord has been made public have, if anything, exacerbated the relations between French and English in this country, and that makes me feel very sad.

I would hope that the reaction in Manitoba to Meech Lake is not a rejection of the Francophone part of our population. I suppose I am hesitant to speak against Meech Lake because I do not want it to be perceived as anti-French, far from it. I think we can achieve a greater balance if we work at it harder.

The third perspective I come at Meech Lake from is as a woman. The notwithstanding clause was used

against one particular—a language minority in Quebec. I think it could be used against other minorities in Quebec. I think it could be used against women. I do not think there are sufficient guarantees for the rights of women in the Meech Lake Accord.

The fourth perspective that I come at it is that I think, as a democrat, this has been a very secretive process. Not now. I am glad that Manitoba is having its hearings; I hope those hearings have an impact. I hope they are listened to. I hope that the net results of the Meech Lake impasse is not secret deals. One hears rumours of secret pressures being put on Governments and of the possibility of Governments being bought with federal monies, for example—only rumours of course. I certainly hope that would never be the case in Manitoba. I hope that it is the concerns of the people that would be expressed in any resolution of this situation. Thank you.

Mr. Chairman: Thank you. I would just ask if there are any questions to you before you step down.

Mr. Carr: Thank you very much for that clear, intelligent presentation, which reflects experiences from points of view that I don't think we have seen in one person since we began listening to these presentations about two weeks ago.

Do you have an opinion on how we can best ensure the provinces are well represented within federal institutions? The Meech Lake recipe for the equality of the provinces is to give each province a veto over constitutional change. Others think that a way to ensure the equality of the provinces is to create a Senate which has equal representation from every province. What is your opinion of an elected Senate, and how would you see it taking shape?

* (1520)

Ms. Barnett-Cowan: I think I would prefer to see the Senate option. I think vetoes are, as we have seen already, extremely difficult. You can reach an impasse very quickly when everybody is holding the veto over everyone else. My own opinion is, if we have to have a Senate, we may as well have it be something that gives some proper effect. I have some hesitation because I don't want to see the American system take over either, where you end up with two bodies which are pulling apart on each other. I think, if there was some way to ensure a greater role for the provinces within the Senate, that would be a useful corrective. We certainly need a corrective, as well, simply to the House of Commons. I guess I have not thought it through in terms of the solution, just like everybody else. I can see the holes in the system that we have at this moment.

Mr. Chairman: Any other questions? Thank you very much.

If there is no one else at this point, then we will adjourn until 3:45, when our last presenter, Ms. Cindy Williams, arrives.

RECESS

* (1550)

Mr. Chairman: Ms. Cindy Williams. You are appearing as a private citizen, Ms. Williams?

Ms. Cindy Williams: Yes, I am.

Mr. Chairman: Et vous parlez un peu français, je pense, dans cette présentation? Nous avons ici la traduction pour le français. Excellent.

(Translation)

I understand that you will be speaking some French during your presentation. Simultaneous interpretation is available. Excellent.

Ms. Williams: My name is Cindy Williams and, as a school teacher, I would like to grade the Meech Lake Accord an "F." Were the First Ministers doing their homework while watching TV that weekend? Considering the number of obvious omissions and transparent miscalculations, I wouldn't be surprised. Of course, what did we expect from a bunch of boys locked away in a cabin? Teachers realize that group projects are a valuable teaching method but they do require adequate supervision. All I can say is, "Who was supervising this gang?" If it was Brian Mulroney, I would recommend that he be demoted — from principal to hall monitor.

When marking this paper, I noted the following errors:

1. Section 16 is definitely unclear. What is the topic of this particular section? Does it only deal with linguistic issues? If not, then why did The Boys fail to mention women and the differently abled? I am afraid I can't award them any points for good intentions. Now that they have handed in their paper, they are saying that they never intended to exclude anyone. Sorry boys, no one gives marks for what is not there, including the Supreme Court.

2. There is a false assumption that unanimity is possible with respect to Senate reform and the future formation of provinces. I would suggest that they should have spent more time studying history and less time playing political football.

3. Allowing for opting out is a blatant contradiction. The point of a group project is cooperation. The boys missed the point. Just because you own the football doesn't mean that when you aren't winning you should take the ball and go home.

4. There are distinct problems with the vocabulary. I had no choice but to harshly deduct marks here because the boys used such a narrow definition as to exclude aboriginal peoples.

S'il vous plaît, comprends moi bien; je n'avais pas un problème avec l'autonomie du Québec. Je suis d'accord avec le bilinguisme, et je vois les francophones comme une société originale. Mais, c'est une erreur de prendre les droits de la majorité, par exemple les femmes, ou les minorités.

J'ai du respect pour le comité, mais le Meech Lake Accord a beaucoup des défauts, et il est difficile d'être sérieux.

Dans les mots des mes amis à God's River, et ici dans The Pas, je veux dire à M. Mulroney, "Awasi!"

(Translation)

Please do not misunderstand me. I do not have a problem with Quebec's autonomy. I am in agreement with bilingualism and I see Francophones as being a founding people. But it is a mistake to take the rights of the majority, for example, women or minorities.

I respect the committee, but the Meech Lake Accord has many faults, and it is difficult to be serious about it.

In the words of my friends in God's River and here in The Pas, I would like to say to Mr. Mulroney, "Awasi."

In conclusion, I must say that I was very disappointed with the boys' performance. I am going to have to schedule a meeting with their guardians to discuss their shoddy work and I am hoping that you will deliver this message for me. I recommend that they each serve a detention. Each one of them should be assigned to write out a hundred times: "I must not discriminate against aboriginal peoples, women, and the differently abled."

They should have done their homework at their own House. Then they would not have had to justify their vacation in the country by handing in this half-completed assignment. I would rather they had used the excuse that the dog ate their homework. The Meech Lake Accord is unacceptable and must be rewritten.

Thank you.

Mr. Chairman: Thank you, Miss Williams. Wait, you may get a question.

Ms. Williams: I know, the teacher is not used to getting questions. I asked the media. I don't know anyone else.

Mr. Chairman: Are there any questions from the Members of the Task Force? Merci beaucoup, c'était vraiment amusant. Very amusing indeed, thank you.

Ms. Williams: Okay, bienvenu.

Mrs. Carstairs: An "A." Excellent.

Mr. Chairman: Are there any more presenters? If not, I would like to thank the people of The Pas for coming today. We have had three school classes come in and out during the course of the day. Some of you have been with us faithfully since the beginning this morning. Others have come and gone, and we have very much appreciated your attendance. If I may tread on an editorial comment as Chair, I think the quality of the presentations has been excellent in The Pas, very interesting variety of views, carefully prepared and thoughtful people who have come forward and given us some very interesting and useful perspectives for our discussions as we go forward as a Task Force. Thank you very much indeed. The meeting is adjourned.

HEARING ADJOURNED AT: 3:59 p.m.

**WRITTEN SUBMISSION PRESENTED
BUT NOT READ**

SWAMPY CREE TRIBAL COUNCIL

Presented by Chief Oscar Lathlin

The first founding peoples of this country are the First Nations. It would be a terrible tragedy if these languages were allowed to wither and die. They are a proud part of our heritage and should be given constitutional recognition and protection.

Then there is the matter of decentralization of federal power, clearly implicit in Meech Lake, and associated with that concept is the right of provinces to opt out of future national programs.

As far as social programs are concerned, provincial Governments have always taken the position that Indian people are a federal responsibility. Aboriginal peoples have grave fears about what is going to happen to them in provinces that won't share in national programs or have opted out. These fears are more than justified when one considers what is happening to aboriginal people in Quebec, where the federal Government refuses to provide services to them in areas where Quebec has already opted out.

The change in the method of appointment of Senators and Supreme Court judges also causes aboriginal peoples to believe that they are being left out. Firstly, the Northwest Territories and the Yukon are not included among the Governments which can submit names for appointments to the Senate or the Supreme Court. Unless there are amendments, there may never be Senators or Supreme Court justices from the predominantly Native population of the North.

This stands in sharp contrast to other Commonwealth jurisdictions, such as Australia and New Zealand, who ensure aboriginal representation in the national Government by providing for certain seats to be filled by elections among their aboriginal peoples. Why should our country's Upper House represent only the provinces? Why are our politicians afraid to provide for aboriginal representation in the halls of national Government?

Whether we look at the implications of the details of the Meech Lake Accord or whether we look at the overall process and what is not provided, from either point of view it is obvious this Accord is seriously flawed and, even worse, blatantly fails to address the obligations your people owe mine.

It may be that Meech Lake can be repaired by amendments and modifications, but it is probably fair to say that Meech Lake will never enjoy the support of First Nations in anything approaching its present form. This is tragic because the First Nations have a lot to offer Canada and Meech Lake relegates us to the sidelines. As self-respecting peoples, we simply cannot be expected to accept that. As self-respecting politicians, how can you even ask?

As the American President, Harry Truman once said, "I never gave anyone hell, I just told them the truth and they thought it was hell."

REFORMS THAT ARE NEEDED TO MAKE MEECH LAKE ACCEPTABLE TO ABORIGINAL PEOPLES

1. The First Ministers' Conference agenda must include a renewal of the constitutional process to deal with Treaty and aboriginal rights and to provide for First Nations self-government.
2. Admission of new provinces should be a matter between the federal Government and territory in question.
3. The Accord must contain a recognition of the "distinctiveness" of First Nations and must entrench our rights to self-government in the Constitution, and further provision must be made to preserve and enhance aboriginal languages.
4. There must be a clear statement that both the decentralization of the federal spending power and the opting-out clause will not impact negatively on aboriginal communities.
5. There must be a process for First Nations to put forward names for Senate and Supreme Court appointments. Better still, we should

be moving to an elected Senate with aboriginal peoples being involved in the discussions, with a view to developing a form of aboriginal representation in the Senate. The amending formula for Senate reform should be the original 1982 amending formula, that is seven provinces with 50 percent or more of the population.

6. Aboriginal participation should be required in all constitutional matters affecting aboriginal peoples and must be specifically mentioned in the fisheries and the Senate reform items on the Meech Lake constitutional agenda.

These reforms can be achieved without compromising the interests of Quebec. The interest of Quebec and aboriginal peoples have, since 1982, been inextricably linked.

Without Quebec's participation, there can be no constitutional reform to give effect to the hopes and aspirations of Canada's First Nations. Quebec and the First Nations shared many grievances. As well, we both share the objective of protecting and enhancing our heritage, languages and cultures. It is that simple.

NUMBER

5



Manitoba Task Force on Meech Lake

April 19, 1989
Thompson, Manitoba

No. 5

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Wednesday, April 19, 1989

TIME — 10 a.m.

LOCATION — Thompson, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

Mrs. Sharon Carstairs (Member for River Heights)

Mr. Gary Doer (Member for Concordia)

Mr. Darren Praznik (Member for Lac du Bonnet)

* Substituting for Mr. James Carr (Member for Fort Rouge), Mr. Paul Edwards (Member for St. James)

* Substituting for Mrs. Gerrie Hammond (Member for Kirkfield Park), Mr. Harold Gilleshammer (Member for Minnedosa)

* Substituting for Hon. James McCrae (Member for Brandon West), Hon. James Downey (Member for Arthur)

Support staff for the Manitoba Meech Lake Task Force:

Mr. Binx Remnant, Secretary

Ms. Kathy Brock, Research Director

Mr. Vic Toews, Constitutional Advisor

Ms. Anita Tiessen, Media Relations

Ms. Bonnie Greschuk, Assistant Secretary

Ms. Annette Landry, Administrative Secretary

Appearing:

Ms. Loretta Clarke, Thompson Chamber of Commerce

Mr. David Bjornson, Member of Parliament for Selkirk

Ms. Lilly Becker, Private Citizen

Ms. Hari Dimitrakopoulou-Ashton, Private Citizen

Mr. Larry Reid, Thompson Provincial Liberal Party

Mrs. Eunadie Johnson, Private Citizen

Mr. Martin Voss, Private Citizen

Chief Philip Michel, Chairman of Manitoba Keewatinow Okimakanak, Inc.

Ms. Holly Beard, Private Citizen

Ms. Julie Robinson, Thompson Action Committee on the Status of Women

Mr. Lou Erickson, Thompson Action Committee on the Status of Women

Mr. R. H. McCleverty, Northern Association of Community Councils

Mr. Bob Mayer, Private Citizen

Matters under Consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: This is the meeting in Thompson of the Manitoba Task Force on Meech Lake. We are delighted that you are able to join us this morning. The role of the Task Force is to listen to the people of Manitoba on the subject of the Meech Lake Accord and matters related thereto, and I guess also to read the people of Manitoba, because we have encouraged written briefs to be given to us. It is not required, but we have already an abundance of briefs that have come in in written form, so we certainly have our work cut out for us, but it is a fascinating and challenging job that the Task Force has been given.

* (1005)

I would like to introduce the Members of the Task Force to you now. Mr. Jim Downey, the Honourable Jim Downey, the Minister of Northern Affairs and Minister responsible for Native Affairs and Member of the Legislature for Arthur; Mrs. Sharon Carstairs, the Leader of the Official Opposition, Leader of the Liberal Party and Member of the Legislature for River Heights; Mr. Darren Praznik, the Member of the Legislative Assembly for Lac du Bonnet and Legislative Assistant to the Premier; Mr. Gary Doer, the Leader of the New Democratic Party and the Member of the Legislature for Concordia; Mr. Paul Edwards, the Member of the Legislature for St. James, Liberal Member of the Legislature; and Mr. Harold Gilleshammer, the Member of the Legislature for Minnedosa, the Conservative Member of the Legislature; and I am Wally Fox-Decent, ladies and gentlemen.

We are ready for our first presentation. The rules are simple. A 20-minute oral time is allotted to each individual, 10 minutes for questions if the Members of the Task Force decide that they would like to enter into a question-answer situation with a presenter. You will hear a bell after 15 minutes, which means you have five minutes left. You will hear a double bell after 20 minutes and we would ask you to gracefully cease at that point in time.

The first presenter on our list today is Ms. Loretta Clarke, representing the Thompson Chamber of Commerce. I am sorry, Loretta Clarke.

Ms. Loretta Clarke (Thompson Chamber of Commerce): Thank you. Our presentation is short and to the point. I do not need to take the 20 minutes. The Thompson Chamber of Commerce's stand on the Meech Lake Accord is as follows:

The Thompson Chamber of Commerce finds the Meech Lake Accord unacceptable in its original form.

Recognizing that a strong central Government is essential to the stability and growth of any nation and recognizing the relatively small population and large area Canada is composed of and the uneven distribution of population to area, we feel it is essential for all Canadians to be guaranteed a strong federal Government.

We feel the Meech Lake Accord lends itself to a considerable weakening of federal powers and an unbalanced power structure between the have and have-not provinces and an even greater inequality to the Northwest Territories and the Yukon. Considering the amending formula provisions permit any provincial Government to obstruct the will of the majority of Canadians, the Constitution of Canada becomes subject to the will of provincial Governments and not directly subject to the people of Canada through their elected Members of Parliament.

The Yukon and the Northwest Territories must have the same rights as Manitoba did when it chose to become a province. The Meech Lake Accord could become the biggest threat to equal rights of the people of the Territories.

We as Canadians have the right and should fight to maintain the right to directly elect a national Government that speaks on its own for national issues that safeguard the rights of individuals and minorities. The Meech Lake Accord, by giving more power to the provincial Governments on national issues, weakens the federal Government's power to govern.

The Thompson Chamber of Commerce also feels the important issue of an elected Senate with equal representation from each province and the Territories has been omitted and is a major flaw in the Accord. It is only through Senate reform with equal, elected representation that Canadians throughout Canada will feel confident of their representation on the Senate.

If the Meech Lake Accord is passed in its present form, the low-population provinces are at the mercy of the provinces with the large populations for Senate reform, as we feel Canada must have.

This statement expresses the stand of the Thompson Chamber of Commerce, and we support the Manitoba Chamber of Commerce's position as follows:

The Manitoba Chamber of Commerce statement of policy:

Constitutional Reform. Constitutional reform as envisaged in the 1987 Constitutional Accord, (referred to as the "Meech Lake Accord"), was signed by all the First Ministers on the 3rd of June, 1987.

The adoption of the Meech Lake Accord, as signed aforesaid, will give every province a veto over future constitutional change.

Any group or region not presently enjoying economic, social or political equality under the current Constitution will be in a strait-jacket forever.

It is especially disadvantageous to western Canadians to secure constitutional and political equality.

In its current form, the Meech Lake Accord presents unfavourable difficulties for the Territories aspiring to become provinces.

The original intent to provide Senate reform by creating an effective Senate of an equal number of senators from all provinces, elected by the people, has not been addressed in the flawed Meech Lake Accord.

* (1010)

Unless amended, the present Meech Lake Accord does not ensure retention for the Senate of the effective powers provided to it at the time of Confederation.

Recommended:

That the Meech Lake Accord not be approved until amendments are included:

To provide for the retention of the present formula for amending the Constitution of Canada, per the Constitution Act of 1983 (sic);

And to provide a Senate directly elected by the people, with an equal number of senators from each province, and which retains the effective powers provided to it at the time of Confederation;

And to provide that the rights of the Territories to become provinces remain unchanged.

Thank you.

Mr. Chairman: Thank you, Ms. Clarke. Are there any questions from the Members of the Task Force? Mr. Doer.

Mr. Gary Doer (Member for Concordia): Thank you very much for the presentation. I am interested in the position the Chambers are taking on the powers of the Senate. I have heard from Chambers over the years about the problems of dealing with one level of Government, let alone dealing with two or three levels of Government, in terms of effective streamlined decisive decision-making in Government. Certainly, I think we all believe in reforming our patronage Senate, but how would you see legislation from a federal Government affected by an elected Senate, perhaps legislation that the Chambers of Canada would want? Would you see a total veto power then from another body in terms of necessary legislation from a Senate body?

Ms. Clarke: We see the Senate as retaining the powers it now has but that the representation on the Senate would be from area representation, instead of population or appointment, so that each area of Canada would be equally represented on the Senate. Population-wise, they would be represented in Parliament and we feel that the Senate powers would be the same as they are now, that reading of the last has to go down to the Senate but that the representation on the Senate would be chosen from each province.

Mr. Chairman: A supplementary, Mr. Doer?

Mr. Doer: Presently the Senate, a patronage Senate, does not exercise the powers that it does have in terms of ability to veto the Parliaments' positions on legislation. Would you see giving that full legislative veto to the Senate, a power that they have but have not exercised over the last 120 years?

Ms. Clarke: Speaking on behalf of the Chamber, I feel that the Chambers feel that if that option is there that it would not be something that would probably be used indiscriminately, but that they would have the ability to use it if necessary.

Mr. Darren Praznik (Member for Lac du Bonnet): Ms. Clarke, just to follow up, a further question on the Senate. We have heard from the Winnipeg Chamber of Commerce when they attended our hearings in Winnipeg, and they put forward a similar position. A question that was asked to them, and I ask this of you, if you were to have one Party with the majority in the House of Commons and another Party with a majority in the Senate, how would you see Parliament being able to function in passing legislation, particularly if the Senate enjoyed the powers it presently has in law to pass or deny legislation or to introduce legislation other than money Bills?

Ms. Clarke: I guess our reference has been the United States, which usually has separate political power in each of their Houses of Representatives. I think this is where it is certainly possible that a country can function that way. It does function that way in the States. We feel that Senate representation is a representation of area. Canada is a large country that is populated mainly in the East. The way it is governed right now, most of the voting of course is influenced by what is happening in the East. We feel that the Senate would actually act as a mentor maybe for the country as a whole. Hopefully, it would be used discriminately. It would not become a political warfare between two houses. We imagine people who are elected are responsible people who would be able to maintain that.

Mr. Chairman: One more question, Mr. Praznik?

Mr. Praznik: Just a very quick follow-up, if what I am hearing correctly, Ms. Clarke, is the Chamber is advocating really Canada move towards a presidential or republican system of Government versus a parliamentary with rep. by pop?

Ms. Clarke: No, I think that the parliamentary system is very much supported by the Chamber. I am just using that as a reference to elected representation in areas, that it does not—I do not think it jeopardizes the Government as such. We feel that the Senate right now is mainly all from one area of Canada and that will never change unless they are elected. If they are elected, they will represent the thoughts—if they are not elected and it continues, what is the point of having a Senate? That is what the Chambers feel. If there is a Senate, well then we should have a Senate that can be effective. We feel that this is the only way that Canada as a whole can be represented.

Mr. Praznik: Thank you.

Mrs. Sharon Carstairs (Member for River Heights): Just on the same line, Ms. Clarke, in the United States, if it is passed through the House of Representatives and then it is not passed in the Senate with regard to some Bills, not all, it can then go back to the House

of Representatives and it can be repassed, at which point it becomes law. That is sometimes referred to as what we call a suspensive veto, a limited veto. Has there been any discussion of that kind of concept, that the ultimate power would remain with the House of Commons rather than the Senate?

Ms. Clarke: That is what the Chambers support, the parliamentary system, and certainly the final power should be with elected representatives. I think we are looking at the Senate as being a conscience for Canada.

Mrs. Carstairs: Thank you.

Mr. Paul Edwards (Member for St. James): Ms. Clarke, I just have a brief question. I am looking at the document that has been handed to us. Under the recommended portion, those three recommendations are then the recommendations that the Chamber sees as being the ones that will solve the problems set out in your presentation?

* (1015)

Ms. Clarke: Yes. These recommendations, we feel that, if the Meech Lake Accord addressed them and was revised to include them, it would be an acceptable document.

Mr. Edwards: Thank you.

Mr. Chairman: Any other questions? Thank you very much, Ms. Clarke.

Ms. Clarke: Thank you.

Mr. Chairman: Before I call the next speaker, I am delighted to acknowledge the presence of the Member of the Legislature for Thompson, your local representative, Mr. Steve Ashton.

Our next presenter is Mr. David Bjornson, Member of Parliament for Selkirk.

Mr. David Bjornson (Member of Parliament for Selkirk): Good morning.

Mr. Chairman: Good morning.

Mr. Bjornson: Mr. Chairman, ladies and gentlemen, I would like to thank the committee for making time for me to come up and present my views this morning. I would also like to thank the community of Thompson for making sure that there is enough time on the agenda that I could come up and speak.

I guess, to start off with, I think it is important that the committee and the public know that when the hearings were announced our Manitoba caucus got together and discussed the fact that we felt it was important that our Members from the Government side of the House come up to each and every hearing as best as we could to present our views. We understand that not all areas of the province are represented by Government Members, but I think it is important that we do come up.

I personally made the request to come to Thompson. I have a background in the North through a number of things, business and community service, so I think, more than anybody else in our caucus, I probably have a relationship in the North. Through business, I have had the opportunity to work in northern Manitoba, northern Saskatchewan, northern Alberta and up into the Northwest Territories, and various places such as Arctic Red River, Inuvik, Fort McMurray, Churchill, and even a place called Odebi River.

Now, I think that maybe most of you up there do not really realize where Odebi River is, but it is about 60 miles northeast of here. When I was there, that was the end of the road at the time. We went in there to put together the Split Lake Ferry. It is quite a unique spot, I will tell you, especially this time of the year when the snow is melting and there really was not a road there, but I had the opportunity to meet a lot of people.

I have had the opportunity also of working through other various areas, but I think it is the opportunity and the relationship that I have had working in the North that I understand probably where Manitobans and, in particular, northern Manitobans come from.

I would like to use a couple of examples, if I may, of how people get along. Probably one of the first ones and the one that sometimes is difficult for people to understand, but it is in the contracting business. When you are a contractor working in the northern remote areas and you have the opposition working down the road two or three or four miles, sometimes you have no other alternative than to go to these people and probably, for lack of a better word, strike a deal, because maybe you have run out of yellow widgets and the opposition who is doing a similar job has yellow widgets, and you make a deal. By coming to an agreement of trading off whatever it happens to be, you both end up winning.

* (1020)

Another one that is probably more familiar to the people here in northern Manitoba than to us from southern Manitoba is getting up at about seven o'clock in the morning, heading off to work, getting in your pickup or your vehicle, whatever it happens to be, and you know the back wheels turn but the front ones do not. It is a little cold. You are in a unique situation in the fact that you cannot move but, as you turn around, there is somebody else going to work and they just do not drive past you. They stop and help, whatever it needs, a little bit of a push, whether it be with the vehicle or by hand, to get the vehicle going. It was accomplished. Working together solved the problem. I think it is important we understand that the people working together solve problems.

Another one, and this is an actual one. Probably once again, for the people in the audience here, it is more common. It is running out of gas at well, maybe nine, ten o'clock at night, on a road that usually after six or seven o'clock at night there is not very much traffic. The next vehicle along—it doesn't matter who it is—stops. Why? There is a problem, they're there to help; they're there to work together. I think it's

important that it is stressed that working together solves problems. I think in each and every one of the examples I have given it is actual. That is what has happened, we have worked together.

I think it is the people of northern Manitoba, more than any others, who realize that it is not necessarily the people who are the fittest survive. I think it is the people who cooperate who survive, and that is how the northern communities survive, through cooperation.

Another unique situation happened to me just in the last month. As you are well aware, I am a new Member of Parliament. Even though the salary does look good, it is expensive to live in Ottawa. So rather than move my family to Ottawa, I made a decision to seek out a roommate. I deliberately, and I repeat deliberately, sought one from Quebec and very, I guess, whether backhandedly or somebody knew it was going on, there was a Quebecer, another new Member of Parliament—rest assured, it is from our Party—was looking to meet with somebody from western Canada to room up, to understand what was going on.

One day, after we decided the apartment we were going to rent, we went in his car and went out looking for furniture. We started chatting back and forth and I said, the reason I really want to get on and get in with you is the fact the people back in my area want to know how Quebec gets all the money. He actually started to laugh quite heartedly. He did this and he said, you know, the night before last he was at a function in his riding, which is northeast of Montreal and an old fellow was talking to him, asking how he was getting along and he said very well, I am looking for a roommate, I am trying to get somebody. The old fellow said the same thing. He said, Jacques, you find somebody from western Canada and see how they're getting all their money. So obviously, there is a perception problem both in western Canada and in Quebec that we have to overcome.

I do have the opportunity of spending some time with a lot of the other new MPs and, once again, I deliberately work along with the ones from Quebec so I can learn and understand. They are of the same opinion as I am, and I think most people, is they want to understand. I think this is the importance of the whole process is trying to understand.

I do not have the expertise to argue or discuss constitutional law. I happened early last week, in a seminar for new Members, have a presentation by a gentleman who was the Clerk of the Privy Council. He started discussing constitutional law and between constitutional law and common law and, I think, it is historic law, when you put it all together, you have to be quite an expert to discuss that. I don't think I am prepared to do that. I think maybe what I will get on more is a process as opposed to the constitutional law.

First of all, I feel the approval of the Accord is the beginning of change. It is the future of our country. We know we have to have the Accord to bring Quebec to the Constitution. That is important. We cannot start the process over. We have all 11 Governments going in, discussing and coming up with a Constitution. We have to have the approval. Once we have the approval,

then we can start working on the change. I do not think we can go backwards. I have no vision of what we can do to start the process over again. I think we should all remember that change is inevitable. Also change is a necessity and the Accord does allow us to do this.

* (1025)

The Accord also allows Manitoba to be equal with all the other provinces. It allows Manitoba now to go in, once the Accord goes to the constitutional review process, and to be equal in presenting items on the table to be discussed. Once the Constitution is approved with the Accord, Manitoba no longer needs Ontario or Quebec's basic permission to put this information on the table or the item on the table for discussion. Manitoba now becomes a little more equal than it is today.

Also, maybe to repeat myself a bit, I am concerned about the parallel Accord. How do we go about doing that? To bring the parallel Accord out, we have to go back to all the other 10 Governments and get their approval and start the process over again. To me, the last couple of years, where everything has been worked along, we have come to the position we are at today. This gives us the opportunity to carry on. We don't want to go backwards. This has cost us enough time already.

One of the things that bothers me is that to date no one has come up with an all-encompassing alternative. What is it? Where do we go? There have been comments. What I've seen and the research I've done into the people who have been to the hearings, there seems to be a significant amount of criticism, but there doesn't seem to be any alternatives. It is easy to criticize, but it's hard to solve.

To close, I would like to use the following quotation if I may, please, and I'll read: "The Accord could have not happened without give and take by every Government, by every province, by every region represented at the table." What emerged was not exactly what we might have wished, but I am absolutely sure that the Prime Minister of Canada, the Premier of Ontario, the Premier of Quebec, the Premier of Alberta and every other Premier would say exactly the same thing. It was a remarkable achievement. In a partnership which means something, the partners have to compromise. They have to find accommodation. That is what Canada is all about. As Premier Ghiz said yesterday, that is what makes Canada work. The comment I made is from the Honourable Howard Pawley.

Ladies and gentlemen, it is my own personal desire that the Government of Manitoba approve the Accord and at the same time become the leaders in constitutional change. Manitoba can provide this leadership and I think Canada deserves that kind of leadership. Thank you.

Mr. Chairman: Thank you, sir. Questions now from the Task Force? Mrs. Carstairs and Mr. Doer next.

Mrs. Carstairs: Thank you, Mr. Bjornson. I was interested in your comment earlier in your presentation

in which you made two statements. You talked about trading off, you make a deal. You also talked about people working together to solve problems. Then you talked about 11 Governments coming up with an Accord. If you were to look at the future of constitutional reform in Canada, would you like to change the process whereby the people got an opportunity to speak before First Ministers signed the document, which was not the case and for some provinces hasn't been the case since the Accord was changed, because only five provinces have allowed any kind of public hearing process and five provinces haven't allowed any public hearing process at all.

* (1030)

Mr. Bjornson: I think Manitoba is a leader in this. There is absolutely no doubt about the fact that the hearings are here taking place. That process probably has to come from the Government. Our Premier of the Day signed the Accord on our behalf but it had to be ratified by the Legislature. We are doing that right at this present time so, by having the opportunity to speak in Manitoba, we have that process right now. Whether the other provinces want to provide that, I guess that is their discretion.

Mr. Chairman: A second question?

Mrs. Carstairs: A supplementary question, what we are doing in this process, of course, is listening to the people. Do you not see a way in which we can put into a constitutional resolution the imposition of that process, for example, saying no future constitutional document can be signed until public hearings have taken place both at the national level and at every provincial level?

Mr. Bjornson: Agreed. Now all we have to do is ratify the courts so we can now discuss constitutional change.

Mr. Doer: Part of the process of Meech Lake was to sign a document and to guarantee public hearings across the country and in the federal Government. Part of the problem when you talk about alternatives, I believe, is the fact that if you have a process that does not allow change, not one comma will be changed, then you cannot discuss another alternative. Do you not believe that it would be better to take the Accord that we have now and take the public hearings across the country, and make the necessary improvements as a more positive alternative over the next, say, 15 months, rather than leave this Accord as a fait accompli with the First Ministers?

Mr. Bjornson: I do not know if it is a fait accompli. Once again, by accepting the Accord and bringing Quebec into the Constitution, then the system starts. We know that there is Senate reform and, contrary to the Liberal Leader in Newfoundland today, fisheries are the No. 1 and No. 2 items on the first agenda of the first First Ministers' meeting after the ratification of the Accord.

The point I am trying to get in, and maybe you are looking at approval in the future, but we cannot have

approval until we have the Accord so that we have Quebec with us. To go backwards, Mr. Doer, I do not know what we can accomplish.

Mr. Chairman: A second question, Mr. Doer?

Mr. Doer: In 1980 and '81, after the First Ministers came up with something, there were at least four or five major changes that were precipitated by public discussion, public debate. I believe the Constitution, although it is not perfect—I do not agree with the Prime Minister's statement that it is not worth the paper it is written on, but it indeed is a better document in terms of the public of Canada's opinion than it was when it first started from the Government representatives.

You have mentioned the process of change. Would you not be open for us proposing positive alternative changes in this round, coming from the people, as happened in '80 and '81, rather than saying, if we do not pass it in its present form, we are going backwards? In other words, can we not build on what we have from the Governments through the people, rather than as an alternative?

Mr. Bjornson: I agree. The process can be going on and on, and we may never get the Accord to the position where everybody in the country is going to be 100 percent happy. We know that cannot happen. We have to put some faith in our elected representatives. I think we should put some faith in the fact that the 15 months or 20 months that the 11 First Ministers who brought the Accord to us worked very hard to accomplish what they have.

Mr. Doer: But cannot we have the faith between the elected representatives and the people to have a better Accord by June 23, 1990 and, therefore, make changes?

Mr. Bjornson: You are very optimistic.

Mr. Doer: Yes.

Mr. Bjornson: One of the things that I have learnt in my new political career is, as elected representative, you make a decision and you make a decision upon the advice or upon your own opinion and, hopefully, you best represent the people who elected you.

Mr. Doer: And you cannot be influenced by the public in that opinion afterwards?

Mr. Bjornson: Oh, yes, you can be influenced but sometimes, if you cannot make everybody happy all the time, we already know that.

Mr. Doer: That is a given. Okay.

Hon. James Downey (Member for Arthur): Mr. Bjornson, I have a particular question that is a concern of many people I have talked to. That question is that you have indicated you have had the unique opportunity to room, as a Member of Parliament, with Members of Parliament from Quebec. What is the interpretation of those Members you room with or who are part of

your caucus, as they represent their constituents when it comes to the question of Quebec being a "distinct society"? What is their interpretation as people representing people from Quebec, and what would be your interpretation of an average citizen in Quebec's meaning of that term, "distinct society"?

Mr. Bjornson: Mr. Downey, I will be quite honest with you. That conversation has never come up. I think maybe it's because of the way I grew up, I accept everybody for what they are. I will be honest with you. We have never talked about "distinct society" because, in my mind, it is not a concern.

Mr. Edwards: Mr. Bjornson, you said in your opening comments that—and I marked it down because I thought it was an interesting statement—people who cooperate survive, and it is not necessarily the fittest who survive and that it is necessary to cooperate, and you tied that to life in the North. You also said, in response to Mr. Doer's question, you can't please all the people all the time. How do you square those two statements and concepts with the rigidity of unanimity which is built into this Accord?

Mr. Bjornson: There has to come a time when everybody has to agree, you know, they do. First of all, we won't have the Accord unless we have unanimity, that is step 1. I believe, as I made comment before, I am not an expert on constitutional law so the 7/50 Clause—is that correct?—seven provinces, 50 percent? My example of discussing unanimity is the fact that if we do not have that clause, what happens? We are not dealing with the Territories. Let's deal with the State of North Dakota. It decides it wants to join Confederation. The rest of the provinces, except Manitoba and Saskatchewan, think it is a great idea. Maybe Manitoba and Saskatchewan, who have to deal directly with North Dakota, think it's not a good idea. So I think there are certain sections of changes to the Constitution we know we have to have everybody onside.

Mr. Edwards: Following up on that, as you know, one of the unanimity provisions affects the Senate. Are you a person who believes we have to have Meech Lake before we can ever get a reformed Senate? Do you buy into that theory?

Mr. Bjornson: Yes, because we have the Constitution in place. We can't change the Constitution until we have the Accord or something that will bring Quebec to sign the Constitution. We are handcuffed right now. We can't change, can we? Has anybody got an alternative way of changing the Constitution right now without Quebec?

An Honourable Member: It is what we hope to come up with.

Mr. Chairman: Any other questions from the Task Force? Thank you very much Mr. Bjornson.

Our next presenter, in fact it is two presenters, ladies and gentlemen, Ms. Hari Dimitrakopoulou-Ashton and

Mrs. Lilly Becker, representing the Immigrant Women's Association of Manitoba.

Mrs. Lilly Becker (Immigrant Women's Association of Manitoba): I am Lilly Becker. I speak on behalf of Immigrant Women's Association of Manitoba, Thompson Chapter. I would like to thank you for giving me this opportunity to comment on the Meech Lake Accord. Immigrant Women, Thompson, has been organized for several years representing women from a variety of countries. Thompson itself is a microcosm of multiculturalism. Immigrant women in Thompson have been organized around issues of concern involving both women and multiculturalism. Our concerns with the Meech Lake Accord follow from our concerns as they relate to women and multiculturalism in Canada's society.

Most immigrant women face a double barrier entering Canada. They are at a minimum audible minority and in many cases a visible minority as well. In addition, they are women. As such, they are in a particularly vulnerable position in society. Immigrant women have too often been silent and have not been encouraged to speak. As such, their contributions have often been overlooked. It is clear though that immigrant women's tireless and often unacknowledged efforts enable their families and themselves to make a successful transition and contribution to our new country. The question comes, what about our own lives?

For immigrant women, the key factor in any Constitution has to be its guarantee of equality in society. In 1982, the Charter of Rights and Freedoms guaranteed equal rights to all citizens of Canada regardless of gender, race and disabilities. That was a remarkable achievement for women, especially immigrant women.

We support the effort to bring Quebec as a signatory to the Canadian Constitution. However, we are very concerned by the statement done by the Accord that "Quebec constitutes within Canada a 'distinct society'." Our concern is that multicultural rights in Quebec currently guaranteed by the Charter of Rights and Freedoms might be affected by the "distinct society" clause. In particular, in order to preserve the "distinct society," women as well as men of different races might be discriminated against.

As immigrant women, we also see a potential risk because of the Accord to future national programs. The Meech Lake Accord allows provinces to opt out of new national shared programs and deliver a compatible program in the particular province with national objectives. We are concerned because national objectives or reasonable compensation are not defined in the Accord. Furthermore, comprehensiveness and accessibility have not been mentioned.

* (1040)

The main concern though lies with the new programs similar to Medicare and child care or pensions or other new social programs. If the Accord does become the Constitution of Canada, because of this opting-out provision, we feel it will be extremely difficult to see

new programs such as this established across Canada. If this happens, immigrant women will be one of the most hard-hit groups.

The third concern we have is about the agreements on immigration and aliens. We are concerned about the increasing control over immigration by the provinces, as outlined in the Accord, and the effect this will have on the accessibility and mobility of future immigrants to Canada.

We would like to see the Meech Lake Accord be amended to deal with the concerns we have outlined. What is more, a preamble to the Accord stating nothing in the Accord will abrogate or derogate from any rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms should also be added to ensure the equality rights of both women and new Canadians.

Ms. Hari Dimitrakopoulou-Ashton (Private Citizen): Hello. My name is Hari Dimitrakopoulou-Ashton and I would like to add some comments to that. I belong to IWAM, Immigrant Women's Association of Manitoba, though my comments will be personally mine.

I have been 10 years in Canada and, from this, five years have been as a Canadian citizen. I have been active in both multicultural and women's groups, and I'm currently teaching women's studies here in Thompson. I will be teaching economics next year. You might know me as being familiar from another Member of the Legislature, but this has nothing to do with that.

Canada, to me, is an open, unique, cooperative society. It is very much a caring and compassionate society. It has been well-respected all over the world and, above else, is a very young country with enormous potential. I ask myself, does Meech Lake Accord comply with that vision I have of Canada, and I increasingly say no.

That is not to say that I associate myself with some of the opposition to Meech Lake Accord notions. Many seem as opposed to Quebec as much as opposed to Meech Lake. It is a vehicle for a sentiment which I do not accept myself. I want to see Quebec in the Constitution.

I also think the present Government of Manitoba has all the wrong reasons to object to the Accord. We are not willing to changes in the Accord for Manitoba minorities, but why are we concerned about minorities in Quebec? That is what I found questionable. I hope the hearings will persuade Government to be as concerned about minorities in Manitoba—women, Native people, new Canadians—as they are about English in Quebec.

The problem with the Meech Lake Accord, as I see it, is it is an Accord without vision. The main goal is Quebec and many other parochial, provincial, or federal goals. Concerns such as Native people and multiculturalism is not there in the Accord. I think it is only because, after an opening, not the first document but the second one, pressures have been taken by Mr. Pawley, then Premier of Manitoba.

As a new Canadian, I ask why is it so important to include Quebec but not Native people? Surely our

Native people should be just as important, and why is it impossible to guarantee Native rights through amendments? Why can't we define spending powers in the Accord for national programs to ensure Canada that they won't get crippled by a patchwork Confederation?

Why is it that the federal Government says no changes can be made? This is not the original document. Changes have been made. Why were changes made to the first draft and not again to the second? Why hold public hearings? Perhaps in Canada, one, two, three, 10 years, it's a long time. This is a new country. I am from Greece where we have been around for centuries and where constitutions had the first notion as a western concept. We seem to have to take our time with this because a constitution is a timeless document. I said before I have a vision of this country. Meech Lake, however, is not part of this vision. If anything, I will feel that it will inhibit.

I come after all this to only one conclusion, unless major changes, I would urge the Government of Manitoba to oppose the Meech Lake Accord.

Mr. Chairman: Thank you. Questions? Mr. Doer.

Mr. Doer: Thank you very much for the presentations. Both have mentioned the spending power provisions and its effect on the multicultural women and those who are most vulnerable, and recommended that we amend it or improve it. Is there any suggested wording that you've come up with or any ideas on that? You don't want us to delete it, I understand, from the presentation but would rather have it amended.

Ms. Dimitrakopoulou-Ashton: I think basically it has to be improved. Ourselves, we are not constitutional lawyers. We are not experts in this respect, but we definitely don't support it as it is now. The Charter of Rights, we thought it was a step forward. We are not making a step backwards to the extent of this Accord.

Mrs. Carstairs: One of the suggested wordings that has been presented to us with regard to the national spending is that we change the words to "national standards," as opposed to "national objectives," and that standards be given a very clear definition. Would you be agreeable that provinces could still opt out and run their own program, provided they met these national standards clearly defined?

Ms. Dimitrakopoulou-Ashton: I would think the notion of universality accessibility into all these notions were long established in Canada. I would not agree to that, I would think that it has to be a national program and from that point the provinces, to a certain extent, according to their environment, can look at it, but I would urge it should be the national program. We are fighting for a central Government, for a national image. We are not sort of cutting in 10, the pieces.

Mrs. Carstairs: At the present time, of course, prior to Meech Lake, they can opt out. They just do not get any money. Is that what you would continue to suggest, that if you want to opt out they opt out but they not get any federal revenues?

Ms. Dimitrakopoulou-Ashton: Yes. In the first place, they should not be able to, but after that I think . . .

Mrs. Carstairs: Thank you.

* (1050)

Mr. Downey: A question, I would be interested to know if this is the first opportunity the Immigrant Women's Association has taken to let their feelings be known to either the current Government or the previous Government in the development of the Meech Lake Accord?

Ms. Dimitrakopoulou-Ashton: Well, they register within Winnipeg, the provincial body, but I understand their presentation will be coming in the second set of hearings when you go back after . . .

Mr. Downey: Next week in Winnipeg.

Ms. Dimitrakopoulou-Ashton: Yes.

Mr. Downey: No, I mean prior to the signing of the Meech Lake Accord by the previous administration, were the concerns put forward at that time, or has it been since the past few weeks and months with the activity in Quebec that this has caused you to come forward? When it was initially worked on by the Prime Minister of Canada and all those Premiers who signed the Accord, was that a concern and had you brought that concern forward to Government at that time?

Ms. Dimitrakopoulou-Ashton: Yes. I belonged as a member to the organization who worked quite a lot as the Thompson chapter. I am sure that they have been related to the previous Government and to Mr. Pawley, who was at that time the person who was the Manitoba representative. Although it was going to be, at that time, a set of hearings again and we were going to present there anyway, we were just . . .

Mr. Downey: Thank you.

Mr. Chairman: Any other questions? Thank you very much.

Ms. Dimitrakopoulou-Ashton: Thank you.

Mr. Chairman: The next presenter is Mr. Larry Reid, representing the Thompson Provincial Liberal Party Association.

Mr. Larry Reid (Thompson Provincial Liberal Party): I was asked to provide some copies of my . . .

Mr. Chairman: Yes, sir. The secretary will take them. Go ahead, sir.

Mr. Reid: We, the Thompson Liberal Association, recommend that the Manitoba Legislature not approve the Meech Lake Accord as it now exists. While we recognize the desirability of having Quebec's signature on the Canadian Constitution and want this to become

a reality, we contend that the Meech Lake Accord, if implemented, will do far more harm to the unity of Canada than the lack of Quebec's signature on the Constitution.

There are several areas in which the Meech Lake Accord is deficient. I will only mention a few that are of major concern to us.

1. The lack of recognition of our Native people, who are as much a founding people of the Canadian nation as those of French and English descent.
2. The lack of protection for minority language groups. While media attention is presently directed at the English minority in Quebec and the French minorities in Ontario and Manitoba, there is no protection for any other language minorities, Native or any other ethnic group wishing to retain its culture.
3. The term "distinct society" must be clearly defined before any signing. Various politicians have given widely different explanations of its meaning. The fact is no one knows exactly how it will be interpreted by the courts and what effect it will have when implemented.

- (D) Unanimity. All 10 provincial and the federal Governments must agree on all future changes to the Constitution. We would suggest there is less chance of all 11 Governments agreeing to any future changes than there is in all Members of this Task Force agreeing on the merits, or lack of same, in the Meech Lake Agreement. This would prevent the Territories from ever becoming provinces, Senate reform taking place, or any other reform which would be of benefit to the nation as a whole, but which might be perceived as having a slight adverse effect on any one province.

While Quebec must be brought into the constitutional family, this must not be accomplished at the expense of the federal power to protect the rights of Natives, women and minority groups. This agreement was formulated in a pressure situation, without adequate consultation with the Canadian people, which has resulted in the aforementioned and other deficiencies.

It is a matter of record that you, Mrs. Carstairs, were the first Leader of a major political Party to reject the terms of the Meech Lake Agreement, and made that decision known with the words, "Meech Lake Accord is dead." Since that time, citizens of Manitoba and Canada have studied the Accord and its implications, if implemented. They have reached the conclusion that it is not in the best interests of Canada. You, as our elected representatives, have one course of action. You must respond to the majority of our citizens and reject the Meech Lake agreement in its present form. Thank you.

Mr. Chairman: Thank you, sir. If I might just make one small correction to your presentation, sir. In the interests of accuracy, under (D), where you talk about the unanimity rule, the proposal is indeed to add to the number of matters in the Constitution that would require

unanimity, but the great bulk of the Constitution would still be amended by the majority rule, which is seven provinces and 50 percent of the population, including the key issues of the distribution of powers in Sections 91 and 92 of BNA. So, if you do not mind, I would just make that correction to (D) for you.

Now we will take questions. Mr. Doer.

Mr. Doer: I am reading the consensus you have listed, particularly with minority language rights. What specific amendment would you propose on minority language rights in this round of the constitutional issues in Canada, as your specific recommendation to us?

Mr. Reid: I think there should be freedom of the use of language that refers to signs and spoken word.

Mr. Doer: Yes, freedom of choice. Would you have any compulsion on Governments and Government agencies in terms of minority language rights, any compulsions of Government as part of the Constitution, as opposed to the freedom of choice on the other side of the equation, the "responsibility" part as opposed to the "right" aspect?

Mr. Reid: Canada is a multicultural nation, and I think you more or less have to leave it up to the desires of the people themselves, rather than something to be imposed on the population by the Government. The choice must come from the people, not from the Government, freedom to exercise the choice.

Mr. Chairman: One more, Mr. Doer.

Mr. Doer: So, therefore, you would see absolutely no responsibilities of the Government in the Constitution on the minority language rights?

Mr. Reid: They have a responsibility to allow people to use a language if they so desire and to ensure that freedom is there.

Mrs. Carstairs: Mr. Reid, would you like to see a further clarification of Canada as a multicultural society in the Constitution?

Mr. Reid: If that would be possible. We come from such diverse backgrounds that I do not know that is possible to adequately describe. I just don't know how you would put that into words.

* (1100)

Mr. Downey: You make specific reference to the "distinct society" that must be clearly defined. How do you interpret the "distinct society" clause as it pertains to Quebec? What would be your interpretation of it? You have difficulty with it. What would be your feeling about that particular clause as it relates to the Meech Lake Accord?

Mr. Reid: I have heard different people give their explanations as to what it means and these vary widely in interpretations. As I have said here in my

presentation, nobody knows until it arrives at the court. I don't know.

Mr. Downey: In your (D) portion, you point out certain protections you would like for many other groups. Would that not, in some way, make a distinctness for those groups, by singling them out in that regard? Is that the same kind of concern you have or could it be a parallel? I am just trying to get an understanding of your position, saying you are asking for recognition of other minority groups within the document. Is that, in any way, tied to the same kind of meaning of distinctness they are talking about as far as the Quebec society? Would you run that as a parallel or would you see it as something different?

Mr. Reid: I think there is a similarity there, yes.

Mr. Downey: Okay.

Mr. Chairman: Any other questions? Thanks very much, Mr. Reid. We will take a 10-minute break now. We will be back at 10 minutes after 11 a.m.

RECESS

* (1110)

Mr. Chairman: Ladies and gentlemen, our next presenter on the list is Mrs. Johnson, who is appearing as a private citizen. You see, I dodged on the first name, Mrs. Johnson.

Mrs. Eunadie Johnson (Private Citizen): My name is Eunadie Johnson. I'm presenting, as a private citizen, but also with the support of the black women in Thompson, visible minority women, and I discussed my presentation with members of the Immigrant Women's group. The reason I decided to present as a private citizen is because the other women who support me were not able to be here today as they have to work.

I had a proud day in July of 1973 when I became a Canadian citizen. I immigrated to Canada in 1967 and became a citizen in 1973. Although this in no way lessened my love for my country of birth, Dominica in the Caribbean, I felt if I had to choose another place to be a citizen, then Canada was the best place. At that time, I vowed to participate fully as a citizen in this country and I have done so since.

In following the politics of my new country, I realized that I had the same choices and freedoms as any other citizen but with one major drawback. You see, in Canada, I discovered I was black and there were people in my new country who had some problems with that. This story can be repeated for every black or visible minority person, who had the same purpose in becoming a citizen of this great country. Then there were citizens of this country who did not come from another place, like the indigenous and the aboriginal people and who were treated in the same manner as I was—and here I thought it was because of my accent.

My faith was restored and I knew I had made the right choice when, in 1982, the Canadian Charter of

Rights and Freedoms became part of the Canadian Constitution. The Charter, which guaranteed the equality rights of Canadians, went one step further. It prohibited discrimination on the basis of race—national or ethnic origin—colour, religion, sex, age, mental or physical disability.

When I came to Canada, though I knew there were different provinces within the country, I could not believe that because of linguistic differences in some of the provinces, all were not considered full-fledged Canadian citizens with the same rights and freedoms. I am, as you know, talking about the Province of Quebec and the recognition I had that, far from being a tolerant society, some of the citizens of this country were also discriminated against because they spoke a different language. That is why I fully support the objective that Quebec should be a full participant in their country through their acceptance of the Constitution, and Quebec should be welcome in the Canadian federation. I have trouble saying this because it is almost like welcoming someone in their own home.

The "distinct society" status for Quebec gives me some problems. It does so because immediately when I say "distinct," it means, what does that mean for me? If there is to be a "distinct society" in Canada, what about the aboriginal people? What about the indigenous blacks? Are they not distinct?

The word "distinct" means: may be better than, apart from, making others seem lesser than. Let's then realize that the Meech Lake Constitutional Accord, in its present form, must not only be amended but discarded. A good effort, but let us listen to the voice of the majority of Canadians before having 11 men decide the future of this country.

The rights of visible minority women and visible minorities presently protected by Section 15 of the Charter will be severely eroded if Meech Lake is ratified in its present form.

At the time the Canadian Charter of Rights and Freedoms was signed, it seemed the legislators were committed to equality rights. Subsequent developments, such as the drafting of the faulty Meech Lake Accord, will have a profound effect on the Charter of Rights, and consequently for visible minorities, and especially visible minority women everywhere in this country. It would be much wiser to correct or redraft the Accord rather than risk the rights of minorities in this country.

The opting-out clause which the provinces have will set us back many years. Women and visible minority groups have fought long and hard for these rights. These rights will surely be eroded when provinces at their discretion can discriminate when it comes to issues such as immigration and the health care system.

Let us look at the Accord for a minute where it talks about the guarantee of the rights of Quebec to receive a number of immigrants, including refugees, within the annual total established by the federal Government. Well, about two months ago, I saw a program coming out of Quebec, a film, where they were talking about the diminishing French society in Quebec. They focused

on several areas around the world and talked about immigration to countries. They focused on distinctive problems that were happening with visible minorities. That, for me, was quite frightening, and I thought, what would happen then to the visible minorities in Quebec, in that area?

* (1120)

A strong central Government must maintain the ability to look after all its citizens. After all, I am a citizen of Canada, not of Quebec or Manitoba. I am not here to debate the law with you, nor will I answer any questions pertaining to the law.

What I will say is that I feel the Government of Manitoba looked at having these hearings for all the wrong reasons. They should have been more vocal in their opposition but did not want to risk their political necks. This Government does not have a record for championing minority rights. Look at its record with the French language issue in Manitoba.

This is simply a statement saying that the Accord is flawed and should be rejected. The Canadian public should be consulted. We cannot and should not sanction a process which takes place behind closed doors.

There is time to do it right. We urge all the federal Government and provincial Premiers to go the extra mile and do what is necessary to make this new part of our Constitution acceptable to all Canadians. Thank you.

Mr. Chairman: Thank you. Questions to Mrs. Johnson?

Mrs. Johnson: As I said, I will not answer any questions pertaining to the law specifically.

Mr. Chairman: There are only—and actually we have one more than usual—two lawyers at the table, Mrs. Johnson, so we are mightily blessed this morning. Five of the seven are not lawyers.

Mrs. Johnson: Thank you very much.

Mr. Chairman: Thank you.

Mr. Martin Voss is our next presenter. I show you as a private citizen, sir. Is that correct?

Mr. Martin Voss (Private Citizen): Yes.

Mr. Chairman: Thank you.

Mr. Voss: Good morning, ladies and gentlemen. I would like to start by thanking you for taking the time to listen to my thoughts on the Meech Lake Accord. I would also like to stress that I am here as a private citizen and I am not putting forward the views or special interests of any lobby group.

During the last federal election campaign, our Prime Minister made the statement that those who opposed the Meech Lake Accord were anti-Quebec and anti-French. I would like to assure this committee that I am not anti-Quebec and that I am not anti-French. I must confess, however, that I am anti-Meech Lake Accord.

My opposition to the Meech Lake Accord centres on three distinct areas. The first area of concern is the process by which the Accord was hatched.

When a nation's leaders draw up a document which proposes to alter the very basis of our system of laws, I, for one, do not expect them to use labour-management negotiating tactics of keeping all parties at the table until they are too exhausted to argue further. Add to this the backroom deals and the fact that none of these men were constitutional experts, and the chances of producing a flawed document were excellent.

When the agreement was reached, no provisions were made for public study, except in Quebec. The document was to receive a quick and quiet ratification. When the 11 First Ministers left Meech Lake, the Accord was supposed to have been a fait accompli.

Both the Leaders of the Opposition Parties in their haste to support the Accord, in hopes that this support would result in bushels of Quebec votes, abdicated their parliamentary responsibility. Neither Mr. Broadbent nor Mr. Turner pushed for open committee study of the Accord where obvious flaws could be debated. Only the intervention of a former Prime Minister forced a focusing on the Accord and a hasty change in the master plan.

To make matters worse, the Accord calls for the institutionalizing of two federal/provincial conferences per year to deal with the economy, the Constitution, Senate reform, fisheries and "other matters." Not only does this imply that this process of secret deals arrived at in secrecy with public announcements that no changes can be made will continue, but a real danger exists that these conferences could slowly evolve to the point where executive decisions will actually rule the country. The Meech Lake Accord process almost succeeded in doing this once and it could be repeated.

The British North America Act deliberately provided for a strong central Government with ultimate authority, and this concept has been upheld and promoted by all Prime Ministers from Macdonald to Trudeau. This concept has also allowed Canada to initiate some of the most progressive social programming in the world. It has also allowed us the benefit of universality of programs so necessary in a mobile society. The provisions in the Accord allowing provinces to opt out of federal programs and receive federal compensation will no longer allow for this to occur. In this respect, the Accord severely weakens the power of the federal Government.

Provisions that allow the provinces to nominate Supreme Court Justices and senators, plus proposed changes in immigration procedures, all serve to further the weakening of the central Government and promote the evolution of 10 mini states.

In the case of the nomination of Supreme Court Justices, it can be argued that Quebec should have that power due to the Quebec Civil Code which is different from the rest of Canada's, but there is no earthly reason for other provinces to claim a need for that same privilege.

Many western Canadians have long felt that their concerns have taken a back seat to the interests of those people living in Ontario and Quebec. The controversy surrounding the awarding of the CF-18 contract to a Montreal firm is evidence that there may be some substance to their contentions. It is evident that if Westerners are ever to feel that their concerns are treated on an equal basis to our more populous eastern neighbours, some new type of political arrangement is needed. Some go on to argue that an elected Senate, with a redefined mandate and the power to fulfill that mandate, could act as the vehicle to attain this end.

The Meech Lake Accord prevents any change from occurring in two ways: firstly, by increasing the power of the provinces, we can rest assured that no change will take place. Each province can be expected to guard their power base, resisting any change which could make a rival more powerful. Secondly, any new arrangement will require the consent of all 11 Governments. Anyone who feels that 10 provincial Premiers and the Prime Minister can agree on anything but the most basic of issues is, in my opinion, being unrealistically optimistic.

I suppose one could argue that the 11 First Ministers reached agreement on the Accord in the first place, but one could hardly contend that they were overcome with a spirit of national harmony. The exercise at Meech Lake seemed to be one of grabbing for increased powers by the provinces, combined with an abdication of leadership by the Prime Minister.

The amending formula also ensures that Parliament can no longer create provinces from territories such as the Yukon and the Northwest Territories. When Manitoba was created in 1870, the consent of the existing provinces was not sought nor were they even consulted to any great degree. The same process was used to admit British Columbia in 1871, Prince Edward Island in 1873, Alberta and Saskatchewan in 1905, and Newfoundland in 1949. The Meech Lake Accord now changes all of this and, in fact, one province would be able to stop a process for which it has virtually no concern. A situation as this could set off a condition where trade-offs and arm-twisting and backroom deals are utilized to lever concessions in entirely unrelated areas. The thought is not as remote as one might think. This is how the Meech Lake Accord was born in the first place.

The same is true of any constitutional amendment. Prior to any additions or changes, all 10 provinces and the federal Government must approve not only the intent but the actual body of the change. This rigidity will ensure not only that such outstanding issues as Native rights, women's rights and minority rights will never be adequately addressed, but unanimity will be required to change the actual amending formula, creating an impossible situation.

The Prime Minister's contention that the Accord must be passed first and flaws repaired later sounds extremely unrealistic in view of the requirement for unanimity.

* (1130)

The contention by the Prime Minister and the Premier of Quebec that the Accord must be ratified without change should lead your committee to only one conclusion: the Meech Lake Accord should be rejected. Thank you.

Mr. Chairman: Thank you, sir. Questions now from the Task Force Members. Mr. Praznik?

Mr. Praznik: Mr. Voss, a couple of questions of clarification, the first one has to do with your proposals regarding the amending formula for the creation of new provinces. I gather from your proposal or your presentation that you would prefer to see the present formula, which requires seven out of 10 provinces representing 50 percent of the population to be amended so that it is only the federal Government who would have to approve the admission of new provinces.

Mr. Voss: No, that is not what I am saying. What I am saying is the situation which requires all 10 provinces plus the federal Government to agree is just too rigid.

Mr. Praznik: So you are happy with the seven out of 10?

Mr. Voss: I am much more happier with the seven out of 10 than I am with a formula which would require 11 out of 11, because I do not think that is possible in happening.

Mr. Praznik: The second question that I had for you, Mr. Voss, regarded the spending powers. I notice you indicate that in the British North America Act that our Constitution was deliberately drafted to give ultimate—you indicate ultimate—authority to the federal Government. But as I am sure you are aware, there are two sections of the British North America Act that divide responsibilities between the provincial and federal Governments.

Mr. Voss: That may have been a bit poorly worded. I am sorry.

Mr. Praznik: Well, my question is, because the areas with respect to national spending programs that are dealt with in the Meech Lake Accord are in the areas that are in the jurisdiction of the provincial Government. This issue has been raised a number of times and I am gathering from these presentations a sense that either people would like the federal Government to have a specific power to deal in those areas of provincial jurisdiction, or that the current system remain in place where the provinces' only option if they do not want to be part of that federal program in their jurisdiction is to just opt out and have no compensation. So I am asking you to please clarify what your preference would be in that regard and, as well, any comments you might have on the Quebec Pension Plan and the Canadian Pension Plan as one area where there was an opting out in essence.

Mr. Voss: Personally, I think one of the major problems with an opting-out provision is that we do not have a national program as such. The Canada Pension Plan

and the Quebec Pension Plan are excellent examples. We are a very large country and a very diverse country, and many people are required simply to maintain work to be able to move to different sections of the country.

When we have a situation where we have a "national program" with a Quebec flavour or a Manitoba flavour or B.C. flavour, what have you, because of opting-out it becomes very confusing. We could run into situations, for example, that we have with driver's licences now, which are entirely a provincial responsibility. I can move to some provinces and my current driver's licence is quite sufficient and it is just a clerical procedure to have it changed. There are other provinces where I am required to take a driver's test. There are provinces where whatever merits I have on my driver's licence are recognized. There are others that don't. I think when you begin to change a "national program" and allow different provinces to opt out or to set up parallel programs based on intent, I think you lose that and I don't think you have as good a product.

Mr. Praznik: Just one short follow-up, Mr. Chairperson, I take it then, Mr. Voss, what you are saying is we should really be looking at the division of powers between the province and the federal Government and redefining those to suit modern times, in essence. Is that what you are suggesting?

Mr. Voss: That may be one of the ways of doing it.

Mr. Praznik: Thank you.

Mr. Edwards: I was very interested by your comments about process, and in tying it into the provision for these conferences which is in the Meech Lake Accord, those comments, and then the comments about how provinces came to be in this country, and specifically Manitoba and other provinces, and being basically decisions of the federal Government. Have you given any thought to the process for a constitutional change that the country should be looking at?

Mr. Voss: I don't think I have given any specific thought to the process as such. The only thing I have thought of is I feel very strongly that the process used for Meech Lake just is not the kind of process, which I would like to see when dealing with what I consider to be one of the most important pieces of legislation in the country. I think it's important that public input is sought and a public input prior to coming up with a deal. I don't like the process where 11 guys closet themselves in a backroom, come up with a thing and say, hey, this is it folks, you accept it and there are no changes. You don't do another "I," you don't put another period in. That's it, that's how we're going to do it. That's not my idea of a good process.

Mr. Edwards: Just by way of follow-up, that seeking of a broad consensus then, what I hear you saying, do you distinguish that process when it comes to the admission of other provinces, or do you think that process also should apply to the inclusion of other provinces should that ever arise?

Mr. Voss: I don't understand your question, sir.

Mr. Edwards: The constitutional change and seeking a broad consensus from a number of people, not just 11 people, is what I hear you saying. We should be looking at—with respect to the inclusion of provinces, should that also apply? Should we be seeking a broad consensus from all Canadians before provinces are admitted into Confederation?

Mr. Voss: I don't think that should be necessary in the case of the admission of new provinces. Again in most cases, it really doesn't affect most other parts of the country. In a situation like that, it should rest with the federal Government, much as it has in our past history.

Mr. Edwards: Thank you.

Mr. Chairman: If I could just follow on that, sir. I am a bit curious too. I think probably I have a sense of your position on the admission of new provinces. I would just say to you though, in the great discussion that has swirled around this whole Meech Lake Lake-Langevin proposal, there have been some who have said that, if you admit one or two more provinces, it does have a very powerful effect on the other provinces.

Instead of there being 10 in the family there are now 12 and you are sharing what was previously among 10 now with 12. Therefore, it ought to be a right of the other members of the family to have a say on the admission of new members, especially when you get into the whole matter of equalization formulas and the kinds of things that flow in the relationship between the two levels.

I wonder what your response to that would be, because that has been a position taken. There also of course has been the position taken by you which is that it is no one's affair except the territory seeking admission and the federal Government.

Mr. Voss: I think that in most cases the financial considerations that you refer to are already there in the first place. The fact is that, when it comes to people in the Northwest Territories and the Yukon, the federal Government already has to spend considerable dollars and those dollars are transferred, although maybe not in the same ways. The amounts are basically the same, so I do not see a major difference in increasing the size of the family per se. The fact is that the people in those territories are already part of the family. They are already Canadians. Yes, it would have a great effect if in fact we were to follow through with the Meech Lake Accord and all of a sudden, instead of 11 people requiring consent, you now need 12.

* (1140)

Mr. Chairman: You now need 13.

Mr. Voss: There is a heck of a difference.

Mr. Chairman: Thank you, sir. Any other questions? Thanks very much, Mr. Voss.

Our next presenter is Chief Philip Michel, representing the Manitoba Keewatinowik Okimakanak, Inc. which,

being translated, means the Northern Chiefs of Manitoba.

Chief Philip Michel (Manitoba Keewatinowikimakanak, Inc.):

(Second presentation by special permission, see Island Lake transcript, April 14, 1989.)

Thank you. I guess before I start, in our meeting in Garden Hill, we had a presentation to make and, because of what happened over there, we did not have the chance to. It is attached in these presentations here and I have another one which I will be reading.

I would like to thank the chairman and the committee Members for the opportunity to make this presentation today and to bring forward the concerns of the First Nations in northern Manitoba regarding the Meech Lake Accord.

There are 25 First Nations in northern Manitoba with a combined population of over 30,000. We are many people, not just one group of people. In our traditional territories, we have people who are members of the Cree nation, the Dene nation and the Cree-Ojibway nation.

We have different languages, different cultures, different traditions and laws that are still very much intact. Since long before the settlers came to our country, these crucial elements of society have provided a basis from which our nations have handled their own affairs.

And yet the federal and provincial Governments have persisted in dealing with us as one social entity, as one other ethnic group of people, without regard for us as distinct and separate nations.

Our nations have always had their own lands in this country, always. We did not come from somewhere else. We have always been here. When the settlers came here, we made Treaties with their Governments, as nation to nation.

We have honoured these Treaties. We agreed to share portions of our lands so that you could live and survive here and we agreed to share our resources with you, but we have yet to see the benefits of those vast resource revenues that have been reaped from our land. The Governments of Canada have failed to honour our Treaties. The denial of our Treaty rights to education by the federal Conservative Government is the immediate example of bad faith and refusal to honour Treaties. We must have a constitutional commitment guaranteeing that our Treaties and Treaty rights will be implemented in accordance with the spirit and intent of the Treaties.

This is a wealthy country with abundant natural resources. Wealth has been accumulated for Manitobans and Canadians on the resource development of our land. Some people have said that we are a tax burden, but they do not take into account what we have contributed and continue to contribute to this country in terms of land and resources.

All we want is our fair share of land and resources and of development revenues in Canada. That would

be a tremendous benefit to the Canadian public as we become even more productive and once again become truly self-sufficient and further contribute to the growth and development of this country. We say to you and your Government, honour the Treaties made with our people and the economic self-sufficiency of our people and nations will be secured.

We are looking to restore our political, social, cultural and economic self-sufficiency. This requires that there be a true and explicit recognition of our rights as First Nations to govern ourselves, to be self-determining. These are the identifiable characteristics of a people, and we have been struggling to achieve this recognition through five years of constitutional discussions. To most, those constitutional discussions are a dead letter for First Nations across Canada. That experience only highlights the century of injustice our people have endured under Canadian dominance. We have endured successive Governments bent on destroying our spirits and rights of self-determination. Time and time again, we have seen the interest of non-aboriginal peoples given preferential treatment and, in many cases, to our demise.

The drafters of the Meech Lake Accord did a good job in appeasing Quebec and the other nine provinces, but they failed to deal with the aboriginal people of this land when dividing up the powers of this great nation. Because of this injustice, First Nations have five major concerns with the agreement they struck:

1. A Weakened Federal Power

First Nations have a direct link to the federal Crown. There has been a shift from the federal Government to the provinces and this concerns us. In natural resources, for example, we have not been well served when we have had to confront narrow provincial interests in the resources. With the provision to have the Supreme Court of Canada filled with provincial nominees we are concerned that our interests will take a back seat.

Also, with the opting-out clause on national cost-shared programs, it is likely that it will be more difficult for First Nations to have control over programs which may come under provincial control.

2. The Unanimity Requirement for New Provinces

Some aboriginal peoples in the North aspire to provincial status. Their road to greater independence is made more difficult by the requirement that every single province must consent to the creation of a new province. The people of the North and all aboriginal people must have the power to decide on their political status.

3. No Aboriginal Participation at Future First Ministers' Conferences

We must have participation in First Ministers' Conferences on matters that affect us. At the present time, we are attempting to get explicit constitutional

recognition of our right to self-government. Until that is done, we must have an opportunity to protect ourselves from decisions made by provincial and federal Governments that are detrimental to our rights.

Fisheries, for example, are vital to us, and it is totally unacceptable that the federal and provincial Governments would discuss dividing up the jurisdiction over fisheries without including us in the discussions.

4. Recognition of First Nations as "distinct societies." We have no problem with the inclusion of Quebec in the Constitution, but to categorize Quebec as a "distinct society" and to leave out any mention of aboriginal people is to ignore the first societies of this land. We were shocked that the First Ministers agreed to recognize Quebec as a "distinct society." It is a vague and undefined term.

In our meeting with the First Ministers, they constantly told us that it was impossible to recognize the vague and undefined right of self-government. "Define, then we sign," we were told over and over again by predisposed Premiers. Obviously, different rules apply when they deal with one of their own.

5. Future First Ministers' Conferences on aboriginal constitutional matters. The First Ministers' Conference in March 1987 was the last formally scheduled First Ministers' Conference on aboriginal constitutional matters. No agreement was reached. No future meetings have been scheduled and Meech Lake is silent on future aboriginal and Treaty rights' conferences.

We are again faced with the attitude that if aboriginal people are ignored, they will cease to exist. The fact is First Nations will never disappear, and you have no choice but to deal with us.

The federal joint committee recommended that a First Ministers' Conference be held before 1990. But to call for a First Ministers' Conference on aboriginal and Treaty rights will not appease our concerns about the Meech Lake Accord. The Meech Lake Accord must be amended to assure a balance of treatment based on the true recognition of all human rights, including aboriginal and Treaty rights. This committee, in recommending amendments, should further insist that we are involved in the next Meech Lake First Ministers' Conference.

* (1150)

The impact of attempted colonialism on our nations over the past four centuries has been significant and severe. The changes we are seeking to the Accord and to the Constitution will begin the reversal of those impacts and support the growth and development of our self-determination and self-sufficiency.

There are those who fear that the recognition and implementation of our rights will have an impact on the non-Indian public, the non-First Nation communities. They are right. There will be an impact, but they should have no fear. They will not be dispossessed of their homes. Their lives will not be violently disrupted, as ours were. They will not be restricted to small parcels of land, as we were. But they will have to respect our rights, and our jurisdiction over our lands and resources, and our people.

We cannot be told to trust and wait any longer to seriously address these concerns. If the federal and provincial Governments continue to ignore our rights, the situation will only grow more tense. Our relationship, as demonstrated in our fight for Treaty rights to education, is becoming more and more confrontational.

In order to change this, you have to stop kidding yourselves that there is an Indian problem to be solved. The problem is that we are not free. The problem is the Treaties we made are not honoured by your people. The problem is our right to self-determination is suppressed by federal and provincial Governments.

In 1920, Duncan Campbell Scott, then Deputy Superintendent of Indian Affairs, articulated the policy clearly when he said, "I want to get rid of the Indian problem. Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question and no Indian department." This was the thinking of 1920, but it has not changed in 1989.

In 1948, there was a paper in federal policy proposing the liquidation of the Indian problem in 25 years. Before that time period had even run out, then Prime Minister Pierre Trudeau released a 1969 White Paper which again tried to institute a policy of total assimilation.

Next came the debates on the patriation of the Constitution. There was no mention of First Nations in the Constitution, but we fought our way into recognition in 1981. Then a secret deal was made and we were dropped from the Constitution.

But with the support of the Canadian public, we fought our way back in again, and the federal and provincial Governments were publicly required to recognize our Treaty and aboriginal rights in the Canada Act that passed in 1982.

It is possible to live in harmony. It is possible to live in peace. It is possible to live with rights and freedoms.

We seek the same kind of commitment for constitutional changes to protect our rights as you do for your rights in the Constitution. If you protect our rights in the Constitution with the same passion as you do yours, First Nations would surely enjoy collective rights and freedoms, as well as individual rights and freedoms that you take for granted.

Our survival depends on the recognition of our laws, which are different from yours, and the recognition that your laws may apply differently to us. There must be such recognition in the Constitution, which is your highest law of the land. Our survival depends on the sharing of land and resources as well as the wealth generated from the exploitation of the land and its resources. Our survival depends on our rights of self-

determination. As a people, we must be free from your Governments. As a nation, our institutions must also be free from federal and provincial governmental controls.

There is something that you, the committee, can do. You can recommend that the Manitoba Legislature pass a resolution to amend the Accord to meet our concerns. We hope that you have the courage and the vision to do that.

Presentations by First Nations' representatives and leaders have focused on our concerns and desired amendments. I do not intend to repeat that ground again, but I do feel that it is important to say something about the federal trust responsibility and the spending power. I preface these remarks by stating the obvious, that in the demise of federal responsibility and obligations for First Nations lies the inevitable result of transfer responsibility to the provinces.

Section 91(24) of the Constitution Act, 1867 specifically defines the federal Government's responsibility for "Indians and lands reserved for Indians." Pursuant to this clause, the Government has introduced the Indian Act, which describes a "trust" responsibility for Indian people. As principal trustee for Indian people, we charge that the Prime Minister, in the Meech Lake and subsequent discussions, was derelict in his responsibility for the protection of our rights and those of the northern aboriginal people. It is clear that the provisions of the Meech Lake Accord affect the balance between federal and provincial powers. Ultimately, this may mean the federal Government's ability to fulfill its responsibilities under 91(24) of the Constitution Act, 1867 may be compromised. As a result, the practical impact will be the federal Government's inability to fulfill both the letter and spirit of Treaties and other obligations which are central to the existing relationship between Indian people and the Government of Canada.

We have grave concerns that the Meech Lake Accord, by shifting the distribution of spending powers, may impair the Government's obligations to fulfill its financial obligations to us and the ability of First Nations to develop our own sources of revenue. The proposed amendment to Section 106A of the Constitution Act, 1982 allows a province to opt out of national shared-cost programs with compensation, providing that they pursue programs or initiatives that are compatible with the national objectives. We pose some fundamental questions:

- (i) How does Section 106A influence the possibility of aboriginal people to participate in the establishment of national objectives?
- (ii) What would be the result if a Manitoba First Nation chose to be included in a national shared-cost program while the Province of Manitoba opted out?
- (iii) How might section 106(A) affect the abilities of First Nations to establish their own objectives, criteria and standards of funded programs, and

- (iv) What are the relationships between national objectives, cost-sharing, opting-out and agreements such as the Indian Child Welfare Agreement?

It is our consideration of these questions and the assessment of the possibilities that dictates caution must be used to ensure that the federal jurisdiction and the responsibility delineated in Section 91(24) of the Constitution Act, 1867 is not transferred to provinces and that our access to federally funded programs be protected.

In concluding my remarks, I would like to, once again, indicate the grave importance of resuming constitutional talks on Treaty and aboriginal rights, and of making the appropriate amendments with our full participation to the Meech Lake Accord. In the meantime, the Manitoba Legislature and the Manitoba Government can demonstrate their support for Treaty rights by jointly sponsoring in the Legislative Assembly a resolution that calls upon the federal Government to respect and honour our Treaty right to education.

The resolution should also specify that the federal Government, as a Treaty party, should take immediate measures with the First Nations with Treaties, to implement the Treaty as understood by the Indian people. The resolution should also specify that if the federal Government refrains from initiating a Treaty implementation process and continues to deny the existence of Treaty rights, then the land and resources covered in the Treaties ought to be returned to the Indian people. Thank you for listening so carefully to this presentation.

Mr. Chairman: Thank you, Chief. Questions?

* (1200)

Mr. Doer: Dealing with a number of issues, Chief, would it be acceptable to have, in terms of the Province of Quebec, a reference for its "distinct society" but also add the distinct characteristics, as part of that clause, in the Constitution dealing with aboriginal people as the recommendation of the aboriginal people?

Chief Michel: Recognizing Quebec as a "distinct society" and then adding the distinct societies of aboriginal peoples, if they are constitutionally entrenched and recognized, would be what we said in the presentation.

Mr. Chairman: Sir, second question.

Mr. Doer: On the spending power provision, I understand the major concerns and questions you've raised in the brief. Would it be your recommendation to delete the federal spending power opting-out provision entirely, or is there any amendment you would see as improving that section to deal with your concerns?

Chief Michel: As long as the rights of aboriginal peoples were protected in the province that has opted out and our access to those federal programs was not affected, then the opting-out process wouldn't affect

us. Our contention is we have a special relationship with the federal Crown. If provinces are opting-out of national programs, then how does that affect Indian people and our access to those federal programs? If that is protected in there, then we wouldn't have problems with that.

Mr. Chairman: Mr. Praznik next and then Mr. Edwards.

Mr. Praznik: I have a question for Chief Michel regarding the spending powers. If at some point, as we move forward in self-government negotiations, First Nations' communities were sitting at the table with the federal Government and other provinces discussing a national cost-shared program that would be in their jurisdiction and the program that was proposed was one that the specifics were not acceptable to that First Nations community, would you want the power to opt out and receive compensation to establish your own program, meeting whatever objectives were there, or would you prefer the present situation, which is where you opt out and have no compensation? I know that is a theoretical question, but I am interested in your opinion on that particular matter.

Chief Michel: Giving the Indian people to have the right to opt out themselves of national programs?

Mr. Praznik: That is right, with compensation to develop their own, as opposed to now which would be opting out without any compensation. So you either accept the terms of the federal Government and get money, or do not accept them and get none. I am asking you, would you prefer the option, if you were at the table representing your communities, to be able to opt out with a guarantee of compensation to deliver your own program, meeting whatever objectives were there.

Chief Michel: Yes, that would be acceptable to us, the qualifier being that when we have national programs right now, if we do not like what the Government says, we are out of luck. We have to go along with national programs. We have to recognize the fact that Indian nations are different in different parts of Canada. Even within the Province of Manitoba, Indian nations are different. Applying one blanket set of rules or criteria is not desirable to the Indian people.

Mr. Praznik: Thank you.

Mr. Edwards: Chief Michel, I was interested in your comments about the conferences which are going to be held and the suggestion, as I read it, seemed to be that the aboriginal people should be represented at any conferences that take place discussing the Constitution. The five conferences which occurred between 1982 and '87 specifically dealing with aboriginal concerns—and obviously there was not a satisfactory conclusion coming out of those conferences—would there be any value in your view in having specific conferences dealing with those issues reinstated?

Chief Michel: Yes. Our objective is to have the Indian people recognized as a partner in this country, as an

equal partner with the provinces. Let me put it in a different way. Our objective is to have recognition of Indian and aboriginal rights recognized in the Constitution. If that can be achieved, we would certainly have no problem in going to any further First Ministers' Conferences.

We had hoped that at the first set, from 1980 to '87, that we would have recognition of Indian self-government and Indian rights, which we do not now. This thing is going along. It is kind of hard to stop this or to get off and we are being dragged in. Our rights continue to be ignored and the constitutional wheel is turning. We hope that one day we will have the right to self-government entrenched in the Constitution and our other aboriginal and Treaty rights.

To continue discussing the Constitution without the participation of Indian people in subject matters that deal directly with us in terms like, for example—we use the fisheries, for example, where we have Treaty rights to fish. You are going to be discussing these things without our participation. I do not think that is recognizing the Indian people and the contributions we have made to this country.

Mrs. Carstairs: I would like to turn to just the spending power provision for just a moment. Obviously, grave concerns on the part of our Native and aboriginal peoples with regard to opting out of provinces, when at the same time jurisdictions may change with regard to programs which impact very heavily upon our aboriginal peoples.

Would you like to see this particular provision suspended with regard to spending power until such time as the aboriginal self-determination clause had been added to the Constitution?

Chief Michel: The opting-out of the province—out of the federal program, you mean—we suspend that until we have recognition of self-determination?

Mrs. Carstairs: Yes.

Chief Michel: Yes, that would be a good way of doing it.

Mr. Chairman: Chief, would one of your desires for change—I do not see it explicitly in your presentation—be to have the aboriginal issues added to the agenda of the annual constitutional conferences? You know, the items now are Senate reform and fisheries. Would you wish to see the re-emergence of the aboriginal constitutional issue in the formal sense by adding that as a third item that would be discussed at the annual constitutional conferences?

Chief Michel: Yes. We feel that the constitutional circle is not complete without our participation in it and, rather than adding it on the bottom of the list, I would put it on the top of the list and let us settle the Indian and aboriginal issues before we go any further. That would be my recommendation.

Mr. Chairman: So in other words, if I may ask you this, let us put the unfinished item on the agenda at

the top of the list, which is the aboriginal issue, then Senate and fisheries, so there would be three items on the agenda in that order.

Chief Michel: Yes, that would be—

Mr. Chairman: Any other questions? Thank you very much, Chief.

* (1210)

Chief Michel: Thank you very much.

Mr. Chairman: Ladies and gentlemen, we have one presenter who is a little further down the list but cannot be with us when we reassemble at 2 p.m. because of work commitments and, with permission of Mr. Beard and —(Interjection)— Miss Beard, sorry. I have her designator as Miss Beard—and Mr. or Ms. McCleverty, I would like to ask Julie Robinson to come forward now and, if those two would mind yielding to her, I would appreciate it. Is there any objection from Beard or McCleverty? —(Interjection)— I am sorry, I do not have a designator, sir, so I cannot tell, you see. All I have is R. H. McCleverty.

Ms. Holly Beard (Private Citizen): I don't want to cause difficulty but I guess that means that I have to come back at 2 p.m., so I guess it is a choice between Julie's afternoon and my afternoon.

Mr. Chairman: Ah, so there is a competing interest here, or problem rather.

Mrs. Carstairs: If it is very brief, we may be able to go.

Mr. Chairman: We are quite prepared to go, to hear you both, in fact. How would that be? Okay, then the first on the list would be Ms. Beard. Is Ms. Robinson here?

Ms. Julie Robinson (Thompson Action Committee on the Status of Women): That is fine.

Mr. Chairman: Is that all right? Good. Ms. Beard, please.

Ms. Beard: Thank you, Mr. Chairman. I am here as a private citizen. Hopefully my remarks will indicate this but, in case they do not, I am in favour of the ratification of the Accord.

I have no doubt that all of you are aware that the Accord reached at Meech Lake has the effect of enhancing the role of individual provinces of Canada in the nation-building process. Many people presenting to you have suggested that this is a problem. To me, it seems like a solution, as I believe it to be counterproductive to the process of nation-building to have a partner in Confederation, namely, the Province and society of Quebec, standing on the constitutional sidelines of this country and looking in. Nation building cannot occur in such an environment.

I do not think that there is much disagreement with that. Some, however, appear to be of the view that the

central Government gave up too much authority to achieve the objective of bringing Quebec fully into the constitutional fabric of Canada or that a bad deal was struck. With that perspective, I disagree. The "distinct society" provision of the Accord is a statement of a Canadian reality, namely that Quebec, given the widespread use of the French language in that province and the distinctiveness of its rich cultural heritage, is a province substantially different from other partners in Confederation.

I have only a tourist's knowledge of the province but I respect, treasure and appreciate the fact of its distinctiveness. I truly feel this distinctiveness is worth preserving, promoting as it does a real cosmopolitan flavour to our nation. Toronto, for example, may be a decent place but we do not need another one like it in this country, and we do not need to turn Montreal into a second one.

I suspect many people feel that nothing in particular need be done to preserve and promote French society in this country. Frankly, I have insufficient contact with the French community to definitely respond to this suggestion. However, my grandparents settled from the Ukraine, near Dauphin, and what at one time was a significant cultural presence, is being reduced to long surnames on mailboxes and the Ukrainian National Festival.

So if French-Canadians say they have concerns as to their ability to maintain their cultural identity, I am inclined to believe them. I am prepared to go further and support their right and their responsibility to do what they feel is necessary and appropriate to preserve and promote the distinctiveness of a society which contributes, in a very meaningful way, to Canada's national fabric.

The Accord has also addressed in part the issue of Senate reform, and I believe that it has done so appropriately and is at least a good first step. If one of the objectives of its creation was to protect regional interests against the whims of the more populous areas of the country, then providing effective provincial input into Senate appointments is a positive move. Similar comments can be made about the appointments to the Supreme Court, which traditionally have been filled on a regional basis.

The provisions of the Accord, as they relate to national cost-shared programs, have also generated interest. Constitutionally, the provision of such programs have been and continues to be the exclusive responsibility of the respective provinces to the extent they deal in areas of provincial jurisdiction.

To recognize, as the Accord does, that provinces have the right to fine tune federal initiatives in this area is no great leap. The enhancement of the role of provincial Government in the nation-building process then is what this is all about. I believe that's positive as it should promote more unity of purpose in that which Government is expected to do or, to put it another way, it is difficult for the provinces to criticize the decision in which they have had effective input.

I believe we have some very capable provincial politicians committed to Canada, able to look beyond

provincial boundaries. I have difficulty buying into the supposition of some that Ottawa is the fount of all knowledge in this country. Being a municipal politician myself, I believe, philosophically at least, that the Government which is the closest to the people it represents is that Government most capable of being representative of those people. I guess the inconsistency is between a strong federal Government on one hand, and having strong regional representation on the other hand. I am a northern Manitoba person. I am from a region within a region, and I am very sensitive to the need to have regional input. So I think, to the extent that the provinces can have greater input, it is going to benefit the regions.

The reality with the federal Government is there are 99 Members from Ontario, 75 from Quebec in 299 or 300 Members now. The problem that the regions have is the fact that they are disproportionately represented.

Finally, I don't believe the building of an effective Constitution can be achieved in only one step for two reasons. I think, firstly, there are too many Governments and other groups involved to effectively canvass all areas at issue within any reasonable time frame. One of the problems of course are changes in provincial Governments if your process goes beyond about two or three years. Secondly, I really believe the Constitution must be a living document. It must evolve over a period of time and as the needs of Canadians evolve and change, and it cannot be forever frozen in time. I think, to the extent that is true, it is always going to be a changing document.

People have also dealt with the concern of having matters within the Constitution better defined. I guess, as a lawyer, I have seen that no matter how well you define things they are often interpreted differently from the way they are defined. A definition that is appropriate in one era is often inappropriate in the next era. It comes to have a very different meaning. I think that is true when you take a look at the division of powers within the Constitution, areas that were nothings in terms of social reform in 1867, when the powers were divided up, have now become the major areas. Were we looking at a division of powers today, we would probably divide them very differently from the way we did in 1867, and that's of course true of the division of taxing powers, as well.

I guess, in conclusion, I see the Meech Lake Accord as one step in a much larger process of constitutional evolution. I think that a yes vote to the constitutional Accord is a vote for a more united Canada, and I think is a step forward in the process of constitutional evolution, which must deal with many important issues. I would strongly urge the Government to put particularly aboriginal rights back on the constitutional menu. I am very concerned. In northern Manitoba, I have occasion to travel to many of the outlying areas and I think that our Native people are very poorly dealt with. I certainly hope that comes to the forefront, and the sooner rather than later. I hope that at the end of the day Manitobans will support this important step forward, and I thank you for listening to me.

Mr. Chairman: Thank you very much, Ms. Beard. May I just ask you to clarify your last point. You clearly are

a supporter of Meech. Would you suggest then that, to fisheries and the Senate, one would add the issue of aboriginal constitutional business as unfinished in the conferences that have been held in the last few years.

Ms. Beard: That is correct and, in fact, I agree that it should come first and not last, and be dealt with quickly.

Mr. Chairman: First on the list? Thank you.

Mrs. Carstairs now to start.

Mrs. Carstairs: Ms. Beard, you refer in your opening remarks to the "distinct society" in the Province of Quebec. Then you define it as to its distinctiveness. Do you see any difference in real meaning between the words "distinctiveness" and "distinct"?

Ms. Beard: I am not sure what you are looking for. I think that it must be viewed as a "distinct society" to preserve its distinctiveness. I do not know whether that helps or not.

Mrs. Carstairs: Well, it is just that there have been some opinions expressed that there is a difference between the two words, that "distinct" in fact means separate and "distinctiveness" does not mean separate. Do you see there being any semantic problem in the use of those two words?

Ms. Beard: Not now. I may if I give it more thought.

Mrs. Carstairs: Okay, thank you.

Mr. Chairman: Any other questioners? We usually go round the Party round if there are other Parties. Mr. Doer, and then Mr. Edwards.

* (1220)

Mr. Doer: Thank you very much. Dealing with the Senate reform, you mentioned in your presentation that you saw it as a very positive first step. Do you believe that it could be the first step and the last step, because of the fact that, yes, we have moved the patronage appointments from the federal Government to recommendations from the provinces but to reform the Senate now will require every province? Can you see us ever getting a situation where Quebec and Ontario, with 24 senators and with the recommendation of the Premiers, will agree to changes in the Senate?

Ms. Beard: I do not know, and I have some concerns as well about the problems with an elected Senate, as opposed to an elected Parliament, and then what powers do you give them? I do not think that you can necessarily draw a parallel between the Canadian and the American situation, because of course their whole system is so different.

I guess that at this point in time the major concern about the Senate is that it does not fulfill a particularly meaningful function. I guess one could also say that at least to that extent it is relatively harmless and is

not causing a lot of problems. I can see a lot of mischief coming from an elected Senate if some of the relationships were not better defined between the Senate and the Parliament. I guess that I would like to see, if it is possible, to have a more meaningful Senate, but I would like to make sure that it was positive and not negative. I guess if it was not reformed any further, then at least no further harm would be done.

Mr. Chairman: Mr. Doer, with a supplementary.

Mr. Doer: Notwithstanding what reform it would take, do you not see that by moving the patronage system that we have in Senate from the federal Government to recommendations from the provinces would leave us with a patronage system in perpetuity now with the unanimous provision that has been proposed in Meech?

Ms. Beard: I guess I do not agree with that, that it would necessarily be unable to be changed. I recognize that there are difficulties and that, but I do not agree that it would be unchangeable.

Mr. Edwards: I just want to follow up on the comments you have made about the Senate, and the strong position you have taken about the need for regional representation and a regional voice being heard both in Manitoba and in Ottawa. Some have suggested that incorporating those regional concerns in an effective Senate in a federal forum is a preferable way of incorporating those views to giving the regions themselves increased power, i.e., provinces. I would like your comments on that. The effectiveness of a Senate in representing regional concerns, it has been suggested, does not threaten the unity of the country every time serious regional issues arise. Do you agree with that or not?

Ms. Beard: I guess I would think that there are probably going to be times when having the provinces represent regional interests is going to be better and times when it is going to cause difficulties, and times when having the Senate represent the regional interests is going to be better or worse depending upon the matter at issue. I don't think that you can give a definitive answer to a question like that because it depends, I think, on the issue that you are dealing with at the time. It is difficult to imagine all the various matters that would come up over the next number of years that you would want that regional input from.

Mr. Downey: You make the comment that the Meech Lake Accord or constitutional reform in Canada is a moving object or process. Do you firmly believe or would you think that the 1990 date, if the Meech Lake Accord is not approved by that time, that there would be possibilities for continued positive negotiations along the line of what is being proposed with Meech Lake, that we would see a new round of legislative discussions, the whole process?

Ms. Beard: I don't know that there is any magic in the 1990 date. Although I recognize why the date is there, that if it is not passed, of course, then it's a dead document at that point in time, but I see this as

a step forward. I think that the difficulty is that, with the people who are negotiating, I think at some point in time you need to have the feeling that you are making some progress. I think if the Meech Lake Accord isn't passed, then it is very disheartening to everybody to have made what appeared to be some gains and then to take a step backwards.

So I think that it is necessary to have the feeling that you're always moving forward. I think that by passing this Accord and continuing on with other negotiations that you're continuing to make forward progress, whereas I'm concerned that if it is not passed that you halt that forward progress and you just increase the number of issues that have to be dealt with whereas, with the Meech Lake Accord, presumably the issue of bringing Quebec into Canada will be an issue that will be dealt with and we can get on to focusing onto the aboriginal issues and the other issues that have been brought up. Whereas of course, if it is not passed, then we are back to dealing with the Quebec issue, together with all of the other issues. I don't know whether that answers your question or not.

Mr. Chairman: Any other questions? Thanks very much, Ms. Beard.

I now ask Ms. Julie Robinson to present, please. She is representing the Thompson Action Committee on the Status of Women.

Ms. Lou Erickson (Thompson Action Committee on the Status of Women): My name is Lou Erickson and I'm going to . . .

Mr. Chairman: Well, I see there are two. Welcome, both of you.

Ms. Julie Robinson (Thompson Action Committee on the Status of Women): Our group is dedicated to forwarding equality rights for women. It is on that point that we have come to talk to the hearing. We want to continue to impress on you our concerns and fears over the lack of protection of women's equality rights in the Meech Lake Accord.

We welcomed Premier Filmon's action that delayed ratification of Meech Lake until public hearings were held, even though he did not do it under the pretense of ensuring women's equal rights.

Section 16 of the Meech Lake Accord specifically protects aboriginal and multicultural rights but does not mention the rights of women, the elderly or the disabled.

Legal interpretation is that the rights of those not mentioned will be secondary to those specifically mentioned, that Clause 16 of the Accord would introduce an element of uncertainty that does not exist in the Charter of Rights. We feel an important change must be made to the Accord before it is passed by the Manitoba Legislature. That is that nothing in the Meech Lake Accord abrogates or derogates from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms.

Although the Meech Lake Accord will bring the people of Quebec into the Canadian constitutional family, it

ignores the needs and concerns of millions of women. Canadian women, myself, my sisters, your wives and daughters cannot be fully participating members of society either until our rights and freedoms under the Charter are guaranteed.

Therefore, we ask the Manitoba Legislature to amend the Meech Lake Accord to ensure those rights are enshrined in the Constitution. Thank you.

Ms. Erickson: As women's groups, we fought long and hard in getting a voice in the Charter of Rights and guaranteeing the rights of women in there. We feel that the Charter of Rights is a really good document and we do not want anything to be harmful or to take away anything from the Charter of Rights.

Personally, I am originally from Quebec myself. As a matter of fact, I come right from near Meech Lake and I have family in Quebec and I feel very emotional about the Meech Lake Accord. I want Quebec to be in the Constitution and it is creating a lot of problems there. Where I come from is an Irish community, lots of Irish, English-speaking people, and I see what is happening there and it hurts.

I want to express that I am from Quebec, I feel like I am a Quebecer. I am also a Manitoban and am proud to be from those two provinces, but I am a Canadian first and I care about Canada first and I want a strong central Government that has some powers over the provinces.

I also liked what Martin Voss said.

Mr. Chairman: Thank you very much. Questions now? **Mr. Doer:**

Mr. Doer: Thank you. By agreement with Martin Voss, you have just expanded your brief considerably. It was an excellent presentation on Clause 16 in the concern of women's groups which we have heard in all the presentations today.

I was wondering whether the Thompson organization, the Committee on the Status of Women, has discussed the spending power provisions and its effect on women in Thompson and your committee's feelings on that issue as well.

Ms. Robinson: We haven't. Probably if we had the information, we would be interested in it.

Mr. Doer: Okay.

* (1230)

Ms. Erickson: I think there is a lot of concern about that too though, that provinces can opt out of programs and it would be harmful to women.

Ms. Robinson: Is that what you are talking about, programming?

Mr. Doer: Yes, the national spending program and the opting out.

Ms. Robinson: It has happened throughout time, hasn't it, unfortunately? The Constitution, I think, has protected

us at times but at times, as strong as it is, there is still need for strength. Putting women, the word "women," into that Section 16 will give us more strength and more opportunity to have the right to say that I have equal rights.

Mr. Chairman: But, as I look at your presentation Ms. Robinson, you would be satisfied to have the whole Charter protected, specifically, within which, of course, is included a whole range of protections for specific groups, including women.

Ms. Robinson: Yes.

Mr. Chairman: Thank you. Any other questions from the Task Force? Thanks very much indeed.

Mr. McCleverty, you have been sitting very patiently, sir, and we would be happy to hear your presentation now.- (Interjection)- Well, we are hoping it will set us up for lunch, sir, actually. I am drowning in a sea of briefs, Mr. McCleverty. I just can't get yours in front of me here, sir.

Mr. R. H. McCleverty (Northern Association of Community Councils): It must be the thickest.

Mr. Chairman: What did you say again?

Mr. McCleverty: It must be the thickest.

Mr. Chairman: You are representing the Northern Association of Community Councils?

Mr. McCleverty: That's right.

Mr. Chairman: Right. Thank you. Please proceed.

Mr. McCleverty: Thank you.

Mr. Chairman: Would you tell us a bit about your group or is that already in the brief? I have not had a chance to read it yet.

Mr. McCleverty: Yes, that is in the first part of the presentation but, first of all, I should mention that my name is Bob McCleverty. I am the Mayor of a small community in northern Manitoba, Thicket Portage, which is just outside of Thompson. I have had the opportunity to live in the Territories, as well as northern Quebec, so I have had the experience of being across this country on several occasions.

I do not know if I want to get into the presentation or voice some of my concerns that I have noticed this morning, because I hope this isn't an adversary situation. I hope that the presenters who here are voicing their concerns how they see them and not trying to take any political Party line or anything. It is just a matter of saying this is how we perceive or how we think the Accord is.

I have some concerns about the lack of information that has been provided in regard to the Accord. I noticed that when I went to find out about the hearing, all there was was a pamphlet outlining what was to happen.

There was nothing about the Accord that I could get a hold of. From Ottawa, all I was able to get was their guideline on the Meech Lake Accord, so I am concerned about the kind of information that is flowing to people. In remote communities, I would like to point out there is very little information in this regard. Some people do not even know what a Meech Lake is, you know, and we can say that it is a place in Quebec and so forth. Those are some of the things that I think I would like the Chairman and the committee to realize as well here.

If I feel that you are attacking me at the end of this, I will probably want to fight back, but that is all right.

Mr. Chairman: Sir, I want to reassure you our purpose here is to listen to you and not to attack you. In fact, that would be the last thing we want to do. I hope, if you have been here this morning, you will feel that the Task Force's role is really to ask questions, to find out further what you are thinking, so please feel comfortable and proceed.

Mr. McCleverty: Thank you.

The Northern Association of Community Councils welcomes this opportunity to present its views on the Meech Lake Accord. Canada is entering into a crucial period of its history and constitutional development. The NACC is pleased that the Manitoba Government is giving Manitobans an opportunity to express their views on issues which are sure to affect the lives of all of us for many years to come. We hope that these hearings will give the Premier and the Government the kind of ammunition it needs to push for changes in the Accord that will protect the rights of Manitobans, and in particular Native people, before it is too late.

The NACC is an umbrella organization established to represent the interests of 54 remote and northern communities under the jurisdiction of the Manitoba Department of Northern Affairs. Most of these communities are small, and most have majority populations of Native persons. The most pressing issues in many of these communities are economic development, unemployment, compensation related to hydro development, and the lack of basic services in housing, transportation, water and sewer, and community facilities.

Many of these communities are simply struggling to survive. It is from this perspective that we look at the Meech Lake Accord. If we have biased views, it is because the main debate about the Accord, namely, whether Quebec is or is not part of the constitutional family, does not have any significance or relationship to the real life issues in the communities we represent. There are many other issues related to the Accord and its impact on people in our communities that are more pressing to us. It is with this in mind that we ask you to listen to our concerns.

Specific concerns: As I just mentioned, NACC's concerns about the Meech Lake Accord have more to do with the issues of aboriginal rights and their protection in the Constitution, the ability of the federal Government to establish social and economic

development programs, and the make-up and powers of the Senate.

Aboriginal Rights: Up to now, most of the attention in the debate on the Meech Lake Accord has been focused on Quebec's place in Canada and its recognition of Quebec as a "distinct society." The NACC agrees that it is important to have all provinces on board and does not begrudge Quebec its rightful place in Canadian society. However, we strongly feel that, in its rush to ensure the protection of Quebec and French language rights, the federal Government has its priorities completely misplaced.

It is inconceivable to the NACC how the Meech Lake Accord could have been struck without the issue of aboriginal rights being first on the issue of priorities. It is interesting to note that, although the main intent of the Accord was to bring about Quebec's full participation in Canada's constitutional evolution, the Accord also deals with other items such as Senate reform, the Supreme Court and spending powers. At the same time, there is only a passing reference to aboriginal rights.

It is totally unacceptable and almost beyond belief that an agreement that outlines the future make-up of Canada does not include a recognition of Native persons, a guarantee of the protection of their rights and at least the requirements for a constitutional process to ensure the place of Native persons in Confederation. The NACC strongly urges the provincial Government to make this the first order of business as it pushes for change in the Accord.

We also strongly recommend that, unless there are some guarantees to ensure that such a process will take place, they simply refuse to sign the Accord. Surely, despite the importance of including Quebec in the constitutional family, it is more important to make sure that Canada's first peoples are finally given their rightful recognition as founders of the country.

Furthermore, it is incredible that the Senate reform, immigration and the regulation of fisheries were given distinct recognition in the Accord over the protection and the recognition of aboriginal rights. Once again, Native peoples have taken a back seat to issues that are promoted by more powerful interests in Canada. As a minimum, we recognize that the provision calling for future constitutional conferences must include a conference on aboriginal rights.

Related to the issue of aboriginal rights is the provision which requires unanimous approval for the establishment of new provinces. This will clearly limit the ability of the Yukon and the Northwest Territories, where there are a majority of Native populations, to ever achieve provincial status and thus ensure that at least within these Territories Native people would have the greater control over their destiny.

* (1240)

Social and Economic Development Programs: The NACC is also particularly concerned about limitations the Meech Lake Accord places on the federal Government to establish national social and economic

development programs. Considering how reluctant many of the provinces are to provide resources and support to these programs without the ability of the federal Government to set standards and base its financial support on complying to these standards, the NACC feels that the real losers in this process will be the residents of remote and northern communities.

These communities already suffer from limited access to the benefits from existing programs. Unless the federal Government can enforce its conditions on reluctant provinces, there will be very little incentive for provincial Governments to establish programs that will benefit those who will need them the most. Again, those who are most likely to lose the most from this provision are residents of remote and northern communities who now, because of the lack of economic development and employment opportunities, have to rely on social welfare programs for their very survival.

The Meech Lake Accord must be changed to make sure that the federal Government retains its right not only to initiate national programs, but to ensure provincial compliance to national standards.

Senate Reform: The provision for Senate reform in the Meech Lake Accord does not go far enough. These provisions were included to appease the western provinces who feel that Senate reform and greater involvement in the selection of the Senators will give them more power at the federal level.

The NACC and the residents of remote and northern communities certainly know what it is like to feel powerless within the bounds of a provincial system, let alone the federal political arena. The NACC therefore thinks the Accord should go much further and, in fact, supports the concept of equal, elected and effective Senate.

Through an elected Senate, residents of northern communities would at least have one additional avenue to use to present their grievances and concerns. Elected Senators with real power would have a greater opportunity to influence programs and policies and legislation. That could benefit the residents of our communities. An effective Senate would provide greater assurance the communities in the North would benefit from the resource pie and receive their fair share of the programs and services that normally by-pass our communities. It gives us a chance to influence another level of decision-making, particularly when it seems that our representatives in the House of Commons often have very little real influence on the decisions that affect us.

In conclusion, the NACC is very concerned that changes have to be made in the Meech Lake Accord before it is too late to do anything about it. If the Accord is signed in its present form, we will have missed the chance to make the kind of changes that will benefit Manitobans, in general, and Native people and residents of northern and remote communities, in particular. Once the deal is struck, we may forever regret we did not take the advantage of the moment and find our hands tied forever. Manitoba has a golden opportunity to positively influence the course of Canadian history. Our objections to the Accord should not be interpreted as

a way of impeding Quebec's aspirations, but rather as a positive measure to ensure that the rights of Canada's first peoples and their descendants will be forever protected. Thank you.

Mr. Chairman: Have a drink of water, sir, and we'll go to the questions. Mr. Doer is first.

Mr. Doer: It is a very well-written brief and it is very enjoyable to follow it with you.

I do agree with most of what is in here, but I have one area that I would like to ask about in the brief. I am concerned about the siren call of the Triple E Senate, and its effect on our Canadian parliamentary system and its effect on remote areas as well.

I'm wondering whether in proposing what I consider to be an Americanization of our British parliamentary system, by having effective—being money for programs and legislative powers—whether you see that would be any reduction in the role of Parliament. Have you studied any other examples? For example—and this is a very important issue for northern and remote communities—have you studied the success of remote communities in Australia, i.e., Tasmania, which is the southern and remote area of Australia, and whether it has fared any better than the remote areas of Canada with a system actually that you are proposing?

Mr. McCleverty: I can say that I haven't studied any of the other systems. I think one of the things we were looking at when we put it in that particular way was the fact that I think we are looking for another avenue to have a spokesperson, and I think that was the intent. I think we were limited in being able to get our points across to the politicians. I think that was the whole intent there was to say, yes, we would like to see it go a little farther so it gives us another spokesperson. That was basically what we're trying to get across. Whether it has worked in other areas or not, no, I can't comment on that at all.

Mr. Doer: With the third E, I think we all agree on equal, and I certainly prefer elected over patronage appointments. The third E would include the powers of finances, equal powers to the House of Commons, I think, in your proposal.

Mr. McCleverty: We would like to see something we could actually participate in more readily or have more access to. I think what happens, and this is a standard problem, is we elect people to represent us and then they go with the idea they are speaking for us. That's not always the case because we change our opinions and we change our attitudes. I'm not here to take one particular Party's side or another. My concern here is we have an opportunity, as Manitobans, to see something positive change for the betterment of the whole country, and I would like to sort of take that approach and see the group here work collectively, rather than pushing one particular idea more than another.

Mr. Chairman: Other questions, Mr. Downey?

Mr. Downey: More of a comment, Mr. Chairman, than a question to Bob, I just say that I am pleased as

Minister of Northern Affairs that the communities did make a presentation on behalf of their communities and compliment them on how well it has been done.

Mr. McCleverty: Thank you.

Mr. Chairman: Sir, I have just one, if I may pursue a little further what Mr. Doer was sharing with you on the Senate. I take it that your real interest in Senate reform is in an elected Senate because you talked about the representational function, and that you are less interested in what "effective" means or necessarily what "equal" means. I wanted to ask you this. I just have something further to add to that, if I may. Would that suggest in your mind that an elected Senate should not be elected from the province as a whole, but should be divided into constituencies within the province which would permit northern representation as a guarantee?

Mr. McCleverty: That would sound ideal and I think one of the things that—when you say the power of the people, the power in the people is electing the representatives. If we never get that opportunity to do so, then how do the people who are sitting in those positions know how we feel?

Mr. Chairman: Anything further? Thank you very much, sir. Unless there be anyone else here who needs to speak to us now as opposed to at two o'clock, I would be inclined to adjourn now until two o'clock. We will resume at 2 p.m. Thank you.

RECESS

* (1400)

Mr. Chairman: I would just ask if there is anyone else who might like to present this afternoon. Also, I would be glad to know of anyone who is not here now who would be intending to present later this afternoon. It would be the intention to sit as long as there are people to hear us at this point in time and then adjourn. But if anyone in the audience knows of someone who was planning to come later this afternoon, then we would wait until that individual comes, possibly take an adjournment and then reassemble at the hour that individual was expected. Do we know of anybody who is coming this afternoon? Yes, sir? Mr. Ashton.

Mr. Steve Ashton (Member for Thompson): Just one thing I did want to raise was the fact that I have had a number of people indicate that they would have liked to have made presentations but couldn't because of the fact that there is no evening sitting. I do not mean that as a criticism. I know the difficulties this committee had in arranging presentations.

I also know of a number of people who said they were going to try and drop by. Whether they will or not is another question, because a lot of people, through business commitments or through work, are not able to make it until about 4 p.m. or 4:30 p.m., so I couldn't say for sure. I had a call yesterday from somebody who said they are going to try and get by but, given the timing, the cutoff at 5 p.m., they really were not

too sure if, by the time they got off work, it would be even worth dropping by.

I would also like to say in terms of the turnout, there certainly is perhaps more interest that might be indicated by the turnout today because I have talked to people and, you know, this isn't Winkler. If you had a meeting in Winkler probably during seeding time, you might have run into difficulties. People here are working or a fair number of people taking studies, so they were unable to make presentations. So, as I indicate, I do know some people indicated they would try to get by, but I certainly would not want to vouch for that directly. They may or they may not be here.

Mr. Chairman: Thanks very much, Mr. Ashton. I think, as you know, that there has been some problem in trying to manage a large number of hearings within a reasonable space of time. As it turns out, we are in fact going to have to extend hearings in Winnipeg because there are just too many people on the list to hear in the number of days that we have allocated. There is now slightly, I am told, over 300 people who have indicated their desire to speak. I do regret that we didn't schedule an evening session here nor in The Pas, and clearly that would preclude some individuals who cannot appear in the daytime from coming in the evening. I sincerely regret and I know I speak on the part of the Task Force when I say that, that we couldn't manage to be everywhere, both during the daytime and during the evening.

I would like to say though that we are of course very pleased to receive any written briefs that anyone gives us who is not appearing orally. They will (a) be read carefully by the Task Force; and (b) will form part of the written record. So if you know of anyone, and I make this offer to anyone who is present who would like to give us a written presentation, that can happen any time over the next two or three weeks. Just send it to the Clerk of the Legislature's office in Winnipeg and we will take it in hand and read it and it will become part of the record.

So are there others who would speak this afternoon?

Mr. Bob Mayer (Private Citizen): Mr. Chairman, my name is Bob Mayer. I am one of the people who talked to Steve. I have clients waiting elsewhere. This is quite an inconvenient time. I would join with Mr. Ashton in saying that should this committee or any future committee of the Legislature be holding hearings in Thompson, Manitoba—and we certainly hope they will—it is to be hoped that provision would be made for the nature of this community.

The steelworkers learned a long time ago that in order to have an effective membership meeting, they would hold one meeting at ten o'clock in the morning and another one at eight o'clock at night. It would thereby accommodate all three shifts and would accommodate any other individuals who are attending the numerous educational institutions in this community, and who would be performing work for an employer who holds regular business hours.

* (1410)

The other suggestion I would make is the location of the hearing. I had heard, by word of mouth, that these hearings were to be held at the City Hall. That is normally where public hearings are held, either there at one of the community halls in town, but very, very seldom at a school and, more precisely, very, very seldom at this school. I suppose it is a little ironic the last time any major Government person held any kind of a meeting at this school was in the late Sixties when, ironically enough, Prime Minister Trudeau met with the citizens of Thompson in this very building. That was, however, the last time a public hearing of any sort has been held here.

My concerns—and I suppose I should set out my background just a little bit for the committee. Some of you know me, those of you who don't, I am a lawyer in Thompson. I am a socialist and a Member of the Provincial Executive of the Manitoba New Democratic Party. I say that just so everybody is on the same grounds. Mr. Doer is aware of that.

I will also say, in anticipation of a question, that I did raise my concerns with the previous Government and former Premier Pawley, and I had one exchange that I recall very clearly over this very issue.

I have a number of concerns about the Meech Lake Accord. I oppose it as it presently stands. I have urged and will continue to urge the Members of the Party I support to vote against the Accord if the changes are not made. I have similar concerns as Mr. Voss. I had not heard Mr. Voss speak before, but I certainly endorse an awful lot of what he said, especially insofar as the process by which we achieved this Accord. Those of us who are involved in labour-management relations recognize the—lock the doors, keep the food out and make everybody stick around until they drop—may be a good way to achieve a collective bargaining agreement that is expected to last from one to three years. I respectfully submit, however, that is not a process by which one achieves constitutional reform. I also recognize no one here has any responsibility for that problem, but I feel I should put that concern on the record in any event.

I am a Canadian citizen, and a resident of Thompson, Manitoba. That's where my priorities lie. I do not recognize myself as being a "Manitoban or a Thompsonite," I am a Canadian. My concern for the Accord comes from that point of view. I believe in a strong central Government. I believe, as my political science professors taught me anyway, that the original framers of the British North America Act intended a strong central Government. I believe in that. I believe the Accord severely restricts the powers of the central Government to act on behalf of all Canadians.

I do not oppose the "distinct society" clause. I do not believe the "distinct society" clause will create the problems that some people have suggested it would. Reading the clause in itself, it merely sets out that the courts should interpret the provisions of the Constitution, recognizing that Quebec is a "distinct society." Anyone who suggests that Quebec is not a "distinct society" either hasn't been there or chooses to be blind. I think it is a recognition of fact. Some people suggest that others ought to be recognized as

distinct societies, too. That may well be, but the Constitution, as it is presently worded, or the Meech Lake Accord as it is presently worded, does not suggest this is the only distinct society in Canada, but to suggest that it is not a "distinct society," I think, would be ignoring the facts.

I am concerned with the comments I hear that the "distinct society" clause will be used to rekindle the latent anti-French bigotry that we saw in Manitoba during the French language services debate. It is to be hoped this clause would not be used for that purpose.

By way of suggestion to deal with the concerns that have been raised about this "distinct society" clause, I would suggest that what people should be looking at is not the "distinct society" clause itself, but in fact Section 16 of the Accord. It is Section 16 that purports to protect certain provisions of the Charter from court rulings with respect to the rest of the Meech Lake Accord. My suggestion, having some dealings with the interpretation of statutes, is that Section 16 either be eliminated, in which case you wouldn't set out some specific protection or articles that are protected and, therefore, assuming the others are not, or add to the list of the protected articles.

If it were made very clear that the Charter of Rights and Freedoms remains the paramount law in Canada, I would think all the concerns about the recognition of "distinct society" clause would evaporate, or at least all the reasonable concerns about the "distinct society" clause. So rather than focusing on the "distinct society" clause and therefore creating the possibility of, once again, raising that bigotry that seemed to have occurred before, if we were to focus on Section 16 and whether to take it out or to add more into it, I would think we would have a much more reasonable discussion.

I am particularly concerned about the unanimity provision of the Accord. The structures of Canadian society have to remain somewhat flexible. The addition of new provinces, I would have hoped, was something that people in the far North could have expected. Being Canadians, I think they ought to have been able to expect to enter into Confederation as full provinces, as most of the rest of the provinces did, without the necessity of having to go on bended knee basically to every single Premier within the country. I do not think that's necessary.

I, once again, have to agree with Mr. Voss. We are not bringing new people into the family. We may be adjusting their status as they grow from children into adulthood, but they are no less members of the family. When they ask for provincial status, they are asking for acceptance that they are now adults within this family, and that they now want the rights and privileges that go with becoming an adult and, presumably, the responsibilities that go with being an adult.

I think it has been said enough, and I will only mention in passing, that I consider the Senate an anachronism. Whether it is a place to send old friends of the federal Government or whether it is a place to send old friends of the respective provincial Governments really does not make a whole lot of difference. It's whose political hack are you going to get this week. That certainly is

not the way one would expect a Senate to exist, if one chooses to accept a Senate as having any reason to exist, in any event.

I suggest to you if the Accord is passed as is, and if the unanimity provisions remain insofar as amendment, there will be no significant change within the Senate. There are certain provinces, and I don't wish to belittle their part in Confederation, but I suggest to you that getting the consent of Prince Edward Island, for example, for a significant change in the Senate, and the rules that therefore follow from a change in the Senate, not having the same amount of Members of the Commons, no less than they have in the Senate, for example, getting Prince Edward Island's consent to change the Senate significantly, I suggest, would be very, very difficult. The Premier of Prince Edward Island, looking after his or her citizens, should things change, would legitimately argue that for the purposes and the benefit of Prince Edward Islanders we don't want it to change because we may lose our four Members of the House of Commons and thereby reduce our representation at the federal level.

* (1420)

I think there are a number of other things that would not change when we deal with unanimity. I recall being taught—I think I went to school when Professor Fox-Decent was a young professor at St. John's College. At the same time, I think Ed Schreyer was teaching political science at St. Paul's. I don't wish to go through the rest of them on the campus, but I remember the history of the Canadian Constitution being taught at that time and how we almost had an amending formula. B.C. didn't like it one year, and the next time they came back and Quebec didn't like it. That was when we were talking about an amending formula that required something other than unanimity.

The history of our constitutional process and the fact that it took us from 1867 until a couple of years ago to even get our basic documents back into Canada indicates how easily or how difficult it would be to get any change in any of the institutions that require unanimity. Unanimity is a problem that I suspect, if passed, we will have to live with, and our sons and our daughters and our granddaughters and grandsons will have to live with a long time after we have long since had to worry about it.

I have a concern about the restrictions on the spending power. I believe that Medicare, as it exists today, which I think most Canadians prize, would not have existed were the spending power not in place. I heard it argued from someone at the table earlier that there maybe should be some changes in Sections 91 and 92 of the British North America Act. I would certainly concur with that. The powers, as they are now set up, and have been interpreted by the Privy Council and the Supreme Court, create some problems. The only power that the federal Government has, following the decisions I suggest largely of the Privy Council, has been the spending power. It seems to have remained intact. For some reason or other, the Privy Council did not like peace, order and good government. I happen to like peace, order and good government, and think

that is where we start from and everything else merely modifies it. I have disagreed with the Privy Council, but I think we are stuck with those decisions for a little while.

But if we restrict the spending power, as I believe the Meech Lake Accord does, and then providing compensation on the loosey-goosey definition of the programs that compensation are going to be provided for, I think we would tend to sacrifice any possibility—and I can pick only one example and that is of universal child care.

Universal child care is becoming almost as essential in this society as Medicare. We are finding, and I think in this community less so, but more so in the communities in places like Toronto and Vancouver where it is absolutely essential even for persons who would be considered relatively affluent on the basis of their income, where it is found that both parents now are required to work in order to provide any decent standard of living, even to own a relatively modest single-family dwelling. When you are talking a quarter of a million dollars for a standard three-bedroom bungalow in some areas in a relatively decent neighbourhood in Toronto, you are really talking about all adults within a family having to work and contribute.

Child care is essential because otherwise we are going to find that our children are going to have to be cared for, especially at a preschool age, by persons or in facilities that do not meet the standards that I think are required, and I get concerned that if the spending power is reduced, we have that problem.

Does that bel mean that I am done?

Mr. Chairman: Five minutes.

Mr. Mayer: Five minutes. I will make it very quick.

I believe that the Meech Lake Accord as it stands will lead to the balkanization of Canada and, as a Canadian, I could not tolerate that. Thank you.

Mr. Chairman: Thank you very much, sir. Questions from Members of the Task Force? Mr. Doer.

Mr. Doer: Yes, thank you very much, Bob, or Mr. Mayer. I know that you are going through your concerns on the Accord. You have also heard some concerns from aboriginal groups in Thompson and you have had a lot of contact over the last 20 years in this community with aboriginal people. What would you see in the Accord in terms of the improvements at this stage for dealing with the aboriginal issues that are fairly important at this stage?

Mr. Mayer: I deliberately did not raise the aboriginal issues. I noticed a number of my friends here this morning and I thought the aboriginal people could very adequately present their own concerns, and I will not purport to speak for them.

I recognize the concerns and I recognize that when we get into the whole question of unanimity, Native people could not get self-government recognized under

the previous provisions. The chances of it ever happening with the "unanimous" requirement, I suggest, are virtually nil.

Mr. Chairman: Any other questions? Mr. Edwards.

Mr. Edwards: I just want to ask you to follow up on your comments about the "distinct society" clause and Section 16. Do you think, given your two suggestions about paragraph 16, that is, either you scrap it or you include the whole list, if either one of those were done, the "distinct society" clause would be acceptable to you, I take it, and I guess—let me just follow up on that at this point. If that is the case, do you think it represents no derogation at all from any other society that may be distinct in Canada, i.e., aboriginal peoples?

Mr. Mayer: I do not believe that, as set out in Section 2, that wording in itself derogates from anybody else's rights, privileges or whatever. I believe that the problem could arise, and my concern would be about interpretation.

I believe that the Supreme Court gave some indication of what it would do when they ruled on Bill 101. The Supreme Court recognized the distinct position of the Quebec Government to protect the French language in Canada. It recognized that, despite the fact that they did not have the Meech Lake Accord in front of it or were not dealing with the Meech Lake Accord. In their judgment they made it very clear that the Quebec Government had the unique responsibility, I think were the words, to protect the French language in North America. Accepting that, they then ruled upon the—they took the Charter, both the Quebec Charter and the Canadian Charter and ruled that you still cannot deny people the freedom of speech, but they did build in protections and said that the Government had the right to build in certain protections.

So I believe we have had an indication of what the Supreme Court will do with "distinct society." They did not use the words "distinct society" but they came awfully close. If you had to then throw in the Section 16, then the Supreme Court, in my opinion, or any other court could then say, well, since you only intended to protect certain provisions of the Constitution from the "distinct society" clause, you must have intended therefore not to have protected the others. My Latin is long gone but there is a Latin rule of interpretation that deals with that very problem and that is what concerns me. I believe that even by taking it out we wouldn't have a lot of concern, but if you do not take it out completely then you have to extend the list of the protected provisions.

Mr. Edwards: Can I just follow up very briefly? If you go down to paragraph 2.(2) and 2.(3) where it talks

about the Parliament of Canada and the provincial Legislatures preserving the fundamental characteristics set out in 2.(1)(a), and then on to No. 3. where the "Legislature and Government of Quebec is to preserve and promote," do you think that that, if it was in front of the Supreme Court in future years, would in any way allow them, or do you think they would feel cause to go beyond what they said in the recent case?

Mr. Mayer: I think the Supreme Court said basically the same thing on Bill 101. I believe that the Supreme Court, at least as it is presently constituted, I doubt that they would find 2.(3) any more powerful or broad than what they have already accepted and recognized in the Bill 101 decision.

* (1430)

Mr. Edwards: Thank you.

Mr. Chairman: Are there any other questions? Thank you very much, Mr. Mayer.

Mr. Mayer: Thank you very much.

Mr. Chairman: Are there any other people who would like to make a presentation? You don't have any specific indication of any others, Mr. Ashton, who will be coming?

Mr. Ashton: No, I don't. I know people said they would try and come.

Mr. Chairman: Incidentally, the reason—our staff has just passed me a note saying the reason that we didn't use the City Hall, and I am only relying on the staff note here, is that there is no wheelchair access at City Hall, and we refuse to go anywhere there is no wheelchair access.

If there is no one else, and I do not want to stop if there is anyone who would like to come forward, you don't have to have a written brief, then I would thank the people of Thompson for coming out today, those who were able to come out. Excellent in my view—and I am sure I speak for the Task Force—range of views expressed, well-prepared presentations, both orally and in written form, and much food for thought for us on the Task Force and we are most appreciative. That is what we hoped to get here and that is what we did get. Thank you very much.

So we are adjourned.

HEARING ADJOURNED AT: 2:33 p.m.

NUMBER

6

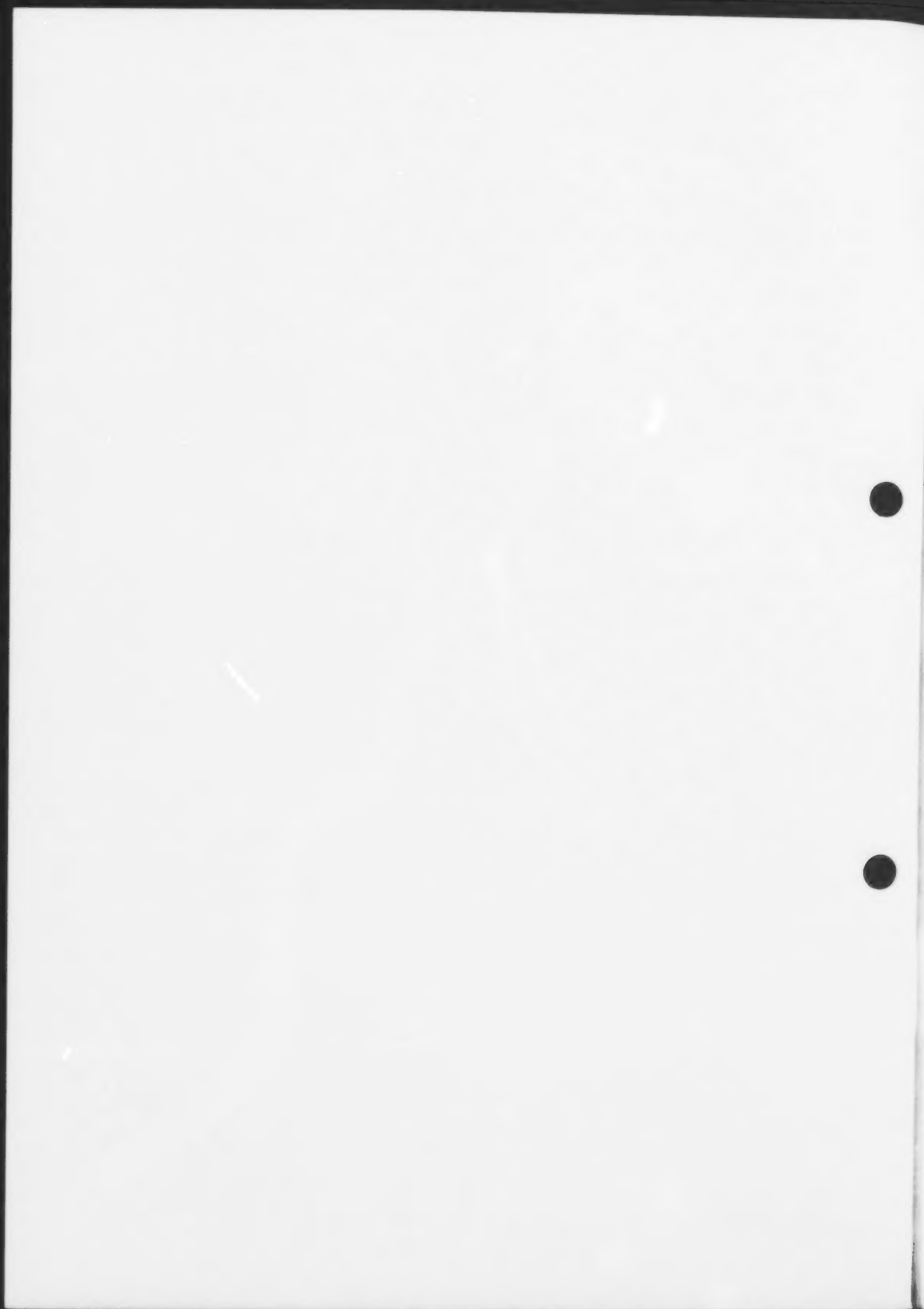


Manitoba Task Force on Meech Lake

April 24, 1989
Brandon, Manitoba

No. 6

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Monday, April 24, 1989

TIME — 2 p.m.

LOCATION — Brandon, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

Mr. James Carr (Member for Fort Rouge)
Mrs. Sharon Carstairs (Member for River Heights)
Mr. Gary Doer (Member for Concordia)
Hon. James McCrae (Member for Brandon West)

* Substituting for Mrs. Gerrie Hammond (Member for Kirkfield Park), Mr. Harold Gilleshammer (Member for Minnedosa)

* Substituting for Mr. Darren Praznik (Member for Lac du Bonnet), Hon. Gary Filmon (Member for Tuxedo)

Support Staff for the Manitoba Meech Lake Task Force:

Mr. Binx Remnant, Secretary
Ms. Kathy Brock, Research Director
Mr. Vic Toews, Constitutional Advisor
Ms. Anita Tiessen, Media Relations
Ms. Bonnie Greschuk, Assistant Secretary
Ms. Annette Landry, Administrative Secretary

Appearing:

2 p.m.

Mr. Dennis Heeney, Leader of the Confederation of Regions Manitoba Party
Ms. Sheila Doig, Private Citizen
Mr. Vern Gilbertson, President, Brandon Chamber of Commerce
Mr. Jeff Toews, Brandon Chamber of Commerce
Reeve Ron Renwick, Council Member of the Rural Municipality of Arthur
Mr. Glenn T. Williams, Q.C., Private Citizen
Mr. John Green, Private Citizen
Mr. G. A. Martin, Private Citizen
Mr. Ronald Simpson, Private Citizen
Mr. Abram Harder, Private Citizen
Mr. Gary Nestibo, Private Citizen
Miss Eileen McFadden, Private Citizen
Ms. Myrtle Armstrong, Private Citizen

7 p.m.

Mr. Don Esler, Christian Heritage Party, Lisgar-Marquette Riding Association
Mr. Ross Martin, Brandon and District Labour Council
Mr. John Wright, Private Citizen

Mr. Tony Riley, Private Citizen

Mrs. Donna Everitt, Mrs. Kady Denton, Mrs. Mary Annis, Private Citizens

Mr. John Templeton, Private Citizen

Mr. Lee Clark, MP (Brandon-Souris)

Mr. David Weiss, Private Citizen

Mr. Gordon Brennand, Rural Municipality of Wallace

Mr. Charles R. Turner, Nora Turner, Private Citizens

Ms. Marion Robinsong, Private Citizen

Ms. Joanne Sutherland, Brandon Teachers' Association

Mr. Edgar Hardy, Rural Municipality of Sifton

Mr. Rick Plaisier, Mr. Todd Plaisier, Town of Virden Council

Witnesses:

Ms. Emilie Carothers, Interpreter for the Deaf, Independent Interpreter Referral Service, Winnipeg

Matters under consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: This is the Manitoba Task Force on Meech Lake. I am Wally Fox-Decent, Chair. I would now like to introduce the Members of the Task Force to you who are present today and I would ask them to rise and be acknowledged when I call their name.

The first is the Honourable Gary Filmon, Premier of Manitoba, Member of the Legislature for Tuxedo. The second is Mrs. Sharon Carstairs, the Leader of the Liberal Party, Leader of the Opposition and Member of the Legislature for River Heights. The third is the Honourable Jim McCrae, the Attorney General of Manitoba and, of course, your Member for Brandon West. Next is Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and the Member of the Legislature for Fort Rouge. The second but last Member I would like to introduce is Mr. Gary Doer, the Leader of the New Democratic Party and Member of the Legislature for Concordia. Finally, Mr. Harold Gilleshammer, the Conservative Member of the Legislature for Minnedosa. Did I miss anybody? Good, got all six.

Ladies and gentlemen, we have present with us today Ms. Carothers who is available to translate in sign language. You will see her already very proficiently doing her duty. If there are any here who require her service, I wonder if they would be kind enough just to give us a hand signal and she will carry on. If not, then she

will take her place in the audience and hopefully enjoy the proceedings.

We also have a service of child care and, as may be required, there is also service not in sign language but for the hearing impaired in the form of amplification devices, so we hope everybody will be able to hear us in the manner that best suits them.

* (1405)

Our purpose this afternoon, ladies and gentlemen, as you I suspect know, is to listen to the people who have come to Brandon this afternoon on the subject of the Meech Lake Accord. We are not here to talk to you. We are rather here to listen to you, and it will be a great pleasure to hear the various briefs that are forthcoming this afternoon, this evening, and then we will be back in Brandon both tomorrow afternoon, tomorrow morning and into the evening if necessary.

Our simple desire is to have you tell us your view on the subject of the Meech Lake Accord. The rule is 20 minutes for presentation by each presenter. You will hear a bell after 15 minutes which suggests you have five minutes left. There will be a second bell after 20 minutes. At that point, we would ask you to conclude your remarks and then, if the Task Force wishes to ask any questions, there will be 10 minutes allowed for question and answer by the presenter.

So, ladies and gentlemen, I think we are about to begin with our first presenter, and I would like to call Mr. Dennis Heeney, the Leader of the Confederation of Regions Manitoba Party to make his presentation.

The presenters, by the way, are chosen by lot. We simply put names in a hat and draw them, with the exception of people living outside of Manitoba who have to come back specially to appear before the Task Force. We make special accommodation for them.

Mr. Dennis Heeney (Leader of the Confederation of Regions Manitoba Party): Thank you very much, Mr. Chairman, and welcome to western Manitoba.

Mr. Chairman: Thank you, sir.

Mr. Heeney: First of all, I would like to thank the Government of Manitoba for giving us this opportunity to voice our concerns. We would also like to commend all those MLAs who decided to withhold approval on the Accord. We may disagree with your reasons but we certainly applaud your withholding your approval.

We would also, for the record, like to voice our disapproval to those elected representatives who so wholeheartedly support this what we think is a democratic travesty, not supported by the majority of Canadians. In particular, we disapprove of the Prime Minister's tactics, trying to coerce Manitoba, and remind him that it is not a "done deal" until we have signed it.

We also object to Senator Murray's lack of understanding. He seems to feel that the Senate reform can never occur without Quebec's signature. The Joint Committee and the Senate and Commons Committee

is very clear that Quebec, in the narrow legal sense, is bound by the Constitution. Therefore, we can proceed as we wish with or without Quebec. However, the Joint Committee also recognizes that unless there is a consensus then there can be no legitimacy, and if there is no legitimacy then the whole process will fail. So it is this lack of legitimacy without Quebec's signature on the Constitution that has caused Meech Lake and by the same token, if Manitoba's signature is not on the amendment, there would still seem to me to be lack of legitimacy.

* (1410)

So this is one of the major reasons why we think Manitobans' approval should be withheld until all of our genuine concerns are placed on the bargaining table, alongside Quebec's, and given the same attention. We would like to deal with both the things that are good and bad about the Constitution and the Accord and particularly the procedure.

The major problems, as far as we are concerned, centre around the fact that it is really the politicians who are at fault. They have incorrectly assumed the authority to write and to debate and to proclaim the Constitution, which is the basic people's law. In a true democracy this is our right and must be reserved for the very people to whom it is to apply, and it is then the duty of all elected officials provincially and federally to uphold and defend the Constitution of the people they are sworn to represent. This milestone was determined first of all at Runnymede in 1215, called Magna Carta. It looks like now that it is time our politicians signed Magna Carta II, because they seem to have forgotten that it is the people who are supreme.

The reason for the Accord, I guess, started with the Constitution and it was designed, it seems to be, by Quebecers for Quebecers, and it began with the Liberal socialist Trudeau in response to his promise to deliver to Quebec a French Canada. Those are, by the way, not our words. They are words of his Secretary of State, Mr. Serge Joyal, and you can check the record. Mr. Trudeau's work continues through the attempts of his fellow Quebecer, Mr. Mulroney, who tries to fulfill that promise by Bill C-72 and now Meech Lake which, to Mr. Trudeau's horror, will if it is passed grant Quebec sovereignty association, a situation that centralists such as Trudeau and his followers cannot abide.

We in the COR Party are frequently called "Quebec haters" and "French bashers," but the reverse is true. It is not Quebec to whom our wrath is directed but to our elected hypocritical MPs who willingly obey their Leader's every command instead of their constituents to whom their first loyalty lies. All you need to do is mention the word CF-18 in Manitoba, and Manitobans and westerners understand our anger. Quebec has every right to make whatever demands they wish, as do we. Quebec has every right to proclaim French as their sole official language, as we have to proclaim English. With or without the notwithstanding clause, Quebec has every right to limit freedom of expression if they dare do so.

Until they have signed the Constitution voluntarily and thereby delegated jurisdiction for basic rights and

freedoms to another jurisdiction, then that is their decision alone to make. We do not support Bill C-178, but we defend their right to do so if they wish.

For those self-serving and hypocritical politicians who, through ignorance, memory lapse or some other reason, seem to have forgotten the basis of democracy, we wish to quote a couple of rather simple but profound statements. First, from the U.S. Declaration of Independence, I will not quote it all, but one sentence it says, "that to derive these rights Governments are instituted among men, deriving their just powers from the consent of the governed, and whenever any form of Government becomes destructive to these ends, it is the right of the people to alter or abolish it." The fact that the Americans have paid for their Constitution in blood is probably the main reason why it is so well defined, and so protective of the people against their Government's bad behaviour. In Canada, the reverse is true. Our Constitution has been designed to protect Governments and select minorities from the democratic decisions of the majority of citizens.

The second quote comes from a Professor Theodore Geraets, and I not sure if that is the proper pronunciation of his name. He is a professor at Ottawa University, and he stated this fall in quotation to the Senate hearings on Meech Lake in 1987, and I quote. He said, "The Constitution does not belong to the First Ministers, not to Mr. Mulroney, not to Mr. Trudeau, and not to the provincial Legislatures. It belongs to the people of Canada. I maintain the only way to obtain the necessary legitimacy"—and we mentioned legitimacy here earlier—"is by providing all Canadians with the opportunity to exercise fully their democratic rights by approving or rejecting, in a non-equivocal way, each of the major parts of the Constitution. Only in this way will it truly be the people's Constitution." All we can say to that is amen and amen.

While we support those who believe that unwritten Constitutions are the best, we do now have a written one though it has no legitimacy, in which case we would hope we can make improvements to it in the initial stages so it will be acceptable to all Canadians in all provinces. Much is good about the process. Citizens are gradually becoming more aware of what Constitutions are all about. We are discussing the merits of centralization versus decentralization, and that really is at the root of all of our problems. It was also a matter that was noted by the Joint Committee.

* (1415)

We do recognize the difference between legality and legitimacy, and the need for both. We do recognize the difficulties for French and English to co-exist under one set of rules. We do recognize the need for Senate and other reforms. There is a genuine consensus for a desire to write down some basic rights and freedoms available to all citizens, therefore, the agreement that we should continue.

However, there are major oversights and shortcomings in the present Constitution and in this Meech Lake proposal, some of which are the blatant hypocrisy of Section 15 of the Charter, which gives

equal rights and then gives the Government power to discriminately apply selective and special privileges to just a few people; the inability of politicians to define the "distinct society" clause; the principle of equality of the provinces which goes on and gives special status to the Province of Quebec—it is just unreal the way they have proceeded with this, the catering to Quebec to the exclusion of equally legitimate aspirations of all other provinces—confusion over more than one amending formula. Apparently, there are five in the present Constitution. There is no provision for aboriginal concerns; confusion over the future status of the Territories; confusion over the precedence of the notwithstanding clause versus the Charter of Rights.

Indeed, there are many others, all of which simply prove we would be well advised to proceed with less haste in the interest of a better Constitution in the final analysis. For after all, we have survived 50 years without one. Surely we can wait a little longer. Though history does tend to repeat itself, perhaps this time with common sense and good will we can avoid that.

So we would like to put forward our proposals for a successful conclusion to this process. We believe our ideas will meet with the approval of the majority of Canadians, both in Quebec and outside.

First of all, we believe we should withhold approval on the Accord and insist on a complete revision of the entire Constitution. There are already many indications of flaws in both and items that have not yet been addressed. We recommend a two- to three-year time frame with a constituent assembly being elected or appointed from all walks of life and all parts of Canada. There should be no politicians in this assembly unless they have been out of active politics for at least 15 years. There should be public hearings all across Canada, and the public should receive honest and factual information so that they fully understand what is being proposed.

We suggest nothing that has occurred in the past should be considered an automatic "given" for the new Constitution. We must bury old feuds and not be saddled with bad arrangements made in the past by what is now a foreign power.

Any Constitution to be democratic, legal and legitimate must be founded on the three following principles. First, the people must be the supreme and ultimate authority; and thus they, and only they, should have the right to approve or reject the contents of their Constitution.

2. We must incorporate the principle of equality of the provinces as approved in the Accord. This principle must say what it means and mean what it says. Each province and any Territories that attain provincial status must have the same status, the same rights and the same powers as every other province including Quebec. We must also incorporate the principle of equal rights for all Canadians under the new Constitution. Again, equal means the same, no more and no less.

3. We recommend a clear definition as to the chain of authority and the division of powers amongst the various jurisdictions. This is a glaring omission in the

present Constitution. Whether deliberate or not, it is most serious for this above all is what Constitutions are really all about. In our opinion, the present chain of authority is now the direct reverse of what it should be in a true democracy. We believe it should be, first, the people are No. 1; No. 2 is their Constitution; No. 3 is their Governor General; No. 4 are their provincial Legislatures; No. 5 is the Parliament and the Triple E Senate; and finally, the Supreme Court is last. At present, as I said, the reverse is true.

* (1420)

4. To solve the language problem which has been with us for 230 years, we would recommend the repeal of the present official languages section and we would replace it with a clause making the choice of official language the exclusive jurisdiction of each province. Thus, Quebec would continue legally to have French as its sole official language, while in all likelihood the other provinces would choose English. The choice of the majority of the provinces would be Canada's official language. Since the Government of Canada would no longer have jurisdiction over language, they would be required to provide their services to each province in the language chosen by the province receiving the services.

We would remind the Task Force that bilingualism was the product of the Trudeau Liberals to fulfill their promise during the Quebec referendum to make Canada a French state. Mr. Mulroney continues to fulfill that promise by Bill C-72 and now Meech Lake, which if it is interpreted as Quebecers believe it will be, will grant them legal sovereignty association while leaving the rest of us to suffer official bilingualism and further dominance by central Canada. It is interesting to note here that there seems to be a difference in interpretation between Anglophone politicians and Francophones. The Anglophones believe that distinct society simply is a word that recognizes Quebec for what it is. Quebec sees it as a ticket to legal sovereignty, and they have said so on many occasions and it is in the record. If you want to check the joint committee and the senate hearing reports, it is all there.

We would also remind you that all provinces including Quebec, for whom bilingualism was introduced, have rejected it, Quebec first by not signing the Constitution, second by Bill 101 and finally by the passage of Bill 178. In 1983, Manitobans showed that 80 percent of the people in Manitoba were opposed to official bilingualism. Since then, Alberta, Saskatchewan and Ontario have all refused to declare their provinces officially bilingual. At the recent hearings in New Brunswick, I believe it was up, 100 were opposed and four were in favour.

So Mister—pardon me, the name slips me, but the new Premier-Elect of Newfoundland has also said that he is opposed to the "distinct society" clause for Quebec, and he believes that each province must have exactly the same rights. So we can be thankful for their refusal, but at the same time it does prove that they are all hypocrites, because on the one hand they go to the First Ministers' Conference and they sign believing that official bilingualism should be

incorporated in the Constitution and then go back to their provinces, and I suppose they listen to their people because they have so far refused to do it.

So we believe that official bilingualism is a pie-in-the-sky pipe dream of an intellectual centralist and it has not and will never work. We believe, however, that our proposal has a better chance of satisfying both factions with only the centralists being upset.

5. No doubt, there will be the usual outcry against the abuse of so-called minority rights. We recommend the repeal of the Charter of Rights and Freedoms to be replaced with the 1960 Canadian Bill of Rights and we do it for two reasons.

First of all, it will restore the right of individual Canadians to the ownership of property. That is a right that was taken from us in 1982 by the Liberal/NDP socialist coalition. Ironically, the PCs in five years in power have not seen fit to even consider restoring this basic democratic right.

Secondly, the present Charter's section on equal rights is ambiguous and is causing nothing but trouble. Equality is granted and special privileges are discriminately granted by the governing Party or the courts. The Bill of Rights is very clear and non-discriminatory in that it states equal rights for all Canadians under the law regardless of sex, race, religion, colour or country of origin. By this change, there will no longer be minority rights, nor majority rights, simply rights, the same for all. If discrimination occurs, and we would be naive if we thought it would not, we should not be able to blame the law, for unlike the contradictory Charter the new one would be very clear. Instead, we could put the blame where it rightfully belongs, on politicians, on their appointed courts and on the bureaucracy. They, by their unfair and selective rulings, would be the guilty ones, and for failing to uphold the Constitution we would hope they should be required to forfeit their offices. We believe if this system were now in place in Manitoba we might well see some changes in those who now occupy the Bench.

6. We are supporters of the Triple E Senate and, in addition to their proposal, we advocate that the Senate have veto power over all parliamentary legislation. In the event of an impasse, the Governor General would have the authority to call a general election and let the people resolve the matter. If we do not insist that this matter be dealt with at the same time as Quebec's concerns, then it will be virtually impossible to achieve once the unanimity clause is in effect.

* (1425)

7. In keeping with the principle of the equality of the provinces, we recommend that there be one Supreme Court judge from each province and that in matters of constitutional interpretation their judgments be considered as opinions only, with the people through their elected representatives having the final say.

8. First Ministers' Conferences should in no way be considered as a political forum for constitutional change. Everything must be done to ensure that politicians cannot manipulate the public into believing that the Constitution is their personal property.

9. When the final revised draft is completed, it shall be placed before the people in each of the provinces for their approval on a clause-by-clause basis. Those clauses receiving the majority of votes shall be the position adopted by the Legislature and taken to the final meeting of all provinces where the clauses receiving the majority of the provinces' support shall be the new Constitution. Should Quebec still not agree, then the rest of Canada has two options: a) we use force to make them comply as a minority complying to the wishes of the majority; or b) we simply set up terms—our terms—for their removal from Confederation. We don't have to remove them because they haven't joined, as we know, at the present time.

10. Much discussion is needed before we can finalize an amending formula that is fair and satisfactory. We believe there should be only one. There appear to be now about five. Unanimity would be best, but if nothing can be achieved by this method then we suggest seven out of 10 provinces, regardless of population, to be consistent with the principle of equality of the provinces.

11. If we are to have something other than a unitary state, we strongly recommend the formation of a federal district, similar to the Districts of Columbia and Canberra in the U.S. and Australia. This was recommended by Dr. Beauchesne, Clerk of Parliament, in 1932, following the passage of the Statute of Westminster by which Canada received its independence. This would permit Ottawa to legally exercise sovereignty on behalf of the provinces as defined in the English and American Encyclopedia of Law.

12. Finally, to avoid the problems of politicians who refuse to represent their constituents, we would replace the present oath of office with a required pledge of allegiance to the new Constitution. This would apply to elected representatives at both the federal and provincial levels, as well as their appointees. Should they fail to uphold and obey the people's Constitution, they would be forced to relinquish their positions. In addition, all who desire to become full-fledged unhyphenated Canadian citizens will be also required to take an oath of allegiance to one Canada, to one flag and to one Constitution. Any who refuse will be requested to seek residence elsewhere.

In summary then, if we are to have other than a unitary state, we must recognize and we must practise the true sense of equality of the provinces. If we are to have Government by the consent of the governed, then we must practice the consensus of the majority, not the decrees of the minority. If we truly believe in fairness and tolerance, we must practise true equality for all and special privileges for none. If we truly believe in democracy, we must practise that principle by granting the people of the provinces of Canada the right to determine the contents of their Constitution.

We in the COR Party continue to have infinitely more confidence in the collective wisdom of the majority of Canadians freely expressed than we do in any partisan and self-serving politicians and their appointed courts. They have their place in the final scheme of things, but not in the decision on our Constitution.

Thank you very much for your time.

Mr. Chairman: Thank you, Mr. Heeney. Questions from the Task Force? Mr. Doer.

Mr. Gary Doer (Member for Concordia): Thank you, Mr. Heeney. I am a little confused with the conflicting principles contained within your brief. The people must be the supreme and ultimate authority in dealing with the Constitution, to approve or reject the Constitution. Would that mean that the populated provinces such as Ontario and Quebec with well over 60 percent of the population could, in essence, dictate the future constitutional decisions at the expense of the regions with this supremacy of the population in terms of your first principle of the Constitution?

* (1430)

Mr. Heeney: No, Mr. Doer. I thought that was clear that each province, regardless of its population, would have a vote on the Constitution, of its contents. Each province would have one vote in the final analysis when they all come together, so that we would see that Newfoundland or Manitoba or Ontario would have one vote when the 10 provinces come together to decide the final outcome of the Constitution.

Mr. Doer: Another question, has your association done any research on the Australian model, which you recommend with the ability of the other Chamber to veto through financial bills the lower Chamber, has it done any study in terms of the recommendation you have made about the Senate in Australia with the wealth in Melbourne and Sydney vis-a-vis the wealth in this country of Toronto and Montreal versus the regions? Is there any reason for recommending that in terms of research?

Mr. Heeney: We haven't researched it to the extent that we would like to research it. A lot of other people have. We are simply going by the fact that there was an impasse in Australia at one time when the Senate did overrule a spending provision of the Parliament, and the Governor General called an election and the people upheld the decision of the Senate. So we would see that as being a useful way of doing things.

I do not believe, contrary to what many say, nor do we in our organization, that this is something that is going to happen on a regular basis. It will only happen once or twice and then the people will get the message that they had better listen. Then, as I understand the veto process, it does give opportunities to go back to Parliament and be brought back, and there is a 180-day waiting period or longer which gives the public and the media and everybody time to sort things out and put pressure where they think pressure should be put for the second go round. The chance of an impasse, I think, is very slim, but it should be there and it should be dealt with this way, we believe.

Mr. Doer: Your concern about voting on Party lines, have you noticed any deviation from voting on Party lines with the regional Senators from Australia versus the Canadian experience of the Parties that do vote obviously on Party lines?

Mr. Heeney: I cannot speak from any reference to Australia, but I think the American system is pretty clear. They vote on issues rather than on Party lines in most instances. It is quite refreshing to listen to proceedings of the Senate and the congressional committees in the United States as opposed to what we see in our system.

Mr. Chairman: I will see if there are any others first, Mr. Doer. Anyone else with questions? Go ahead, Mr. Doer.

Mr. Doer: So really, in one part of the brief, you recommend a veto on legislation and the other part of the brief you are very clearly recommending the senatorial system similar to the United States. It is really an Americanization of our British parliamentary system that your organization is recommending here today?

Mr. Heeney: Not entirely. I think we recognize that our system has some faults and some flaws in it. I think the Americans would too. I am not an expert on the American system, but I think that they have some advantages that we do not. All we are saying is that, after 120 years following a British system which was not designed for this country, perhaps it is time we designed our own system and used some of the advantages that the Swiss have, some that the Americans have and some that the Australians have, all of which were founded on the British parliamentary system going back to the Magna Carta. So surely we can be innovative enough to design a system that works for this country.

Mr. Chairman: Any other questions? Yes, Mr. Carr.

Mr. James Carr (Member for Fort Rouge): Sir, I am a little confused whether or not you love politicians or hate them. You don't want any politicians who have been around for 15 years to be involved in making Constitutions, but on the other hand you don't want the courts to have the final say on the matter of protection of individual rights, and you want to de-entrench the Charter and create a bill of rights a la the Diefenbaker model of 1960. Could you just tell us what you think the relationship ought to be between politicians and the courts?

Mr. Heeney: Only on matters of the Constitution. I think the Constitution should be written so that citizens understand what it says and what it means, without having to go to court for interpretation. I don't think the court, any court, should have the right to interpret on the basis of intent, as they did in Manitoba in 1983. They did not take a literal translation of the law as it was written. They simply interpreted it in a manner they felt the authors 120 years ago must have intended, which is rewriting the actual content of the law.

So we think, when it comes to where there is an impasse on the interpretation of a clause in the Constitution, it shouldn't be the courts who finally decide. It must go back to the elected representatives and, if a change is going to come, it must go back to the people, and they must ratify it through the process.

Mr. Chairman: Any other questions? Thank you very much, Mr. Heeney.

Mr. Heeney: Would it be possible to get a copy of all of the proceedings today and tomorrow?

Mr. Chairman: Yes, sir, it would. If you speak to Mr. Remnant, our Secretary of the Task Force, he will arrange for that for you.

Mr. Heeney: Thank you very much.

Mr. Chairman: I now call on the next presenter, Mr. Bill Davison. Mr. Davison here? The next presenter, Ms. Sheila Doig. You are appearing as a private citizen, Ms. Doig?

Ms. Sheila Doig (Private Citizen): Yes, I am. I want to thank the Members of the Task Force for coming to Brandon and giving me a chance to appear before you today.

I could have appeared before the Task Force today for several reasons, because I spent so much of the last year talking to women throughout rural Manitoba on their feelings about equality rights and the drafting of the Meech Lake Accord.

Instead, I am here to state my opposition to the Accord on behalf of the daughters I have raised, who live across Canada, and the children they are raising. If the Meech Lake Accord is to be part of Canada's constitutional future, then the Accord is also their future. I have many concerns about the Accord, but today I will focus on three: the democratic process, equality rights and national shared-cost programs.

As a Canadian, I have always believed in the strengths of Canada as a democratic nation. Our constitutional laws evolved from the participation of all Canadians, through the public debate, as part of the political process. Now we have 11 First Ministers, in seclusion, finalize amendments to our Constitution, then tell us it does not matter what we say or what we think, no "I" will be uncrossed, no "I" will be undotted. Members of the Task Force, this is not democracy; this is oligarchy.

I am equally concerned about the First Ministers' Conferences being given constitutional entrenchment. This further removes public involvement through the parliamentary process—witness the Accord.

Recommendation: The Task Force recognized that the 1987 Meech Lake Accord subverted the democratic process. Therefore, to sign the Accord knowing there was not full participation by all Canadians through public hearings in all provinces would be a further subversion of democracy.

Recommendation 2: The Task Force recognize the dangers inherent in giving constitutional authority to First Ministers' meetings. There would be a recognition that there must be full public debate first to ensure safeguards for the democratic process and the parliamentary system.

Equality Rights: My gravest concern with the Accord is my belief that the equality rights written in Sections

15 and 28 of the Canadian Charter of Rights and Freedoms are at risk in the Accord. These sections state prohibited grounds for discrimination, which include discrimination based on sex and the equality "of male and female persons." These Charter rights have yet to be tested before the Supreme Court of Canada. Therefore, it is crucial for women not to have any weakening of the Charter as could result from the Accord.

* (1440)

My argument focuses on Clause 16 of the Accord which gives special recognition to multicultural heritage and aboriginal peoples, a recognition that I fully support, but in doing so, a potential hierarchy of rights has been created. This is because rights stated in the Charter, such as age, race, colour, sex, ethnic origin, religion, mental or physical disability, and the equality of persons, are not written in the Accord. The rule of law, "expression unius est exclusio alterius," says that if there is a list of items—and I am referring to the Accord—and there are a list of items left off that list—and I am thinking of the Charter—then those items left off the list are left out by legal intent. Those left out could be placed in second or third place when compared to those on the list.

Women have reason to be alarmed as to how the Supreme Court would rule if the Charter comes into conflict with the Accord/Constitution. The recent Supreme Court decision in June 1987 in Ontario re An Act to amend the Education Act to Provide Full Funding for Roman Catholic Separate High Schools, and that was provincial Bill 30, ruled that Catholic education has special recognition in the Constitution of 1867, and I am referring to Section 93 there. The Charter was not meant to supersede the Constitution. The Canadian Constitution is paramount. The same argument could apply to rule in favour of rights listed in the Accord over those left out. Members of the Task Force, I say the egregious error the Government has asked for is the risk to fundamental human equality rights in the Accord.

Recommendation: The Manitoba Government not ratify the 1987 Meech Lake Accord unless it is amended to state that "Nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

My third area of discussion is national shared-cost programs. Section 106A of the Accord allows the provinces to opt out of national shared-cost programs, providing "the province carries on a program that is compatible with national objectives."

First of all, "initiatives," "compatible," "national objectives" are not defined in any measurable quantified way. Next, opting out of national programs will lead to the balkanization of Canada. Canadians will not have equal access to our present universal programs because the poorer provinces will not be able to afford them. Fairness and justice is in the Canadian conscience.

Furthermore, the potential impact on women is enormous. For example, poverty in Canada is

increasingly a women's and children's poverty. Education, skills training, welfare, language training, health care and unemployment insurance are some of the umbrella programs that significantly affect women's lives.

I am particularly concerned about the future relationship between the opting-out clause in the Accord and the Canada-U.S. Free Trade Agreement.

Mr. Laurent Thibault, head of the Canadian Manufacturers' Association, in a recent letter to Finance Minister Michael Wilson, said, "The Canada-U.S. Free Trade Agreement that we fought hard for creates great opportunities but also makes it more urgent that we tackle the outstanding issues that affect our competitiveness." Then, in a brief from the Association, Mr. Thibault elaborated further: "Because 60 percent of program spending is tied up in statutory programs, with most of this on social programs, this is the spending area that must be reduced."

I want to take this concern a hypothetical—and I emphasize "hypothetical"—step further. The nurses' strike in Alberta in early 1987 was not just about wages and working conditions. It is no secret that Premier Don Getty has developed connections with the U.S. private health care industry. Now, we also have that part of the Free Trade Agreement that allows for "temporary entry for business purposes" into Canada by American workers. The professional categories identified include nurses, doctors, administration and maintenance personnel. They do not have to go through the normal immigration procedures and "temporary entry" is not defined. So what is to prevent Premier Getty opting out of the health care federal program using the Accord and then using the Free Trade Agreement as a basis for privatizing Alberta health care? Can he then avoid hiring Canadian workers and circumvent Canadian employer hiring practices including major employer contributions? This has yet to be tested, but who denies the potential?

Finally, opting-out of universal programs will make it difficult to introduce new programs in the future. An example is national child care where women want accessible, affordable, flexible, quality (meaning national standards) care for our nation's children.

Recommendation: The opting-out clause should be deleted from the Accord.

Conclusion: I welcome Quebec's participation in the Constitution, the Accord. It is the terms of obtaining Quebec's signature that I cannot agree with.

It does not matter what Prime Minister Mulroney says, what Senator Lowell Murray says, what any of us say. It is my understanding that the Supreme Court of Canada will rule on what is written.

At the same time, how can anyone seriously consider the introduction of a parallel Accord in order to allow, as Premier Filmon said, "those who have suggested amendments are not possible to save face"? Surely at some point the Supreme Court of Canada would rule that one document "is more parallel than the other."

Recently, Prime Minister Mulroney referred to the Charter of Rights and Freedoms' inclusion of the

notwithstanding clause as making the Charter not worth the paper it is written on. I gave this some thought and then I thought perhaps this is the time to look elsewhere for a point of reference.

Where I work there is a poster. It is the Proclamation on The Occasion of the 40th Anniversary of The Universal Declaration of Human Rights. There are four principles. The third principle reads as follows:

"WE PLEDGE to collaborate in order to ensure that, in Canada, fundamental rights and freedoms are known and respected by all."

All provincial Governments are signatories. It is signed by the Hon. Jim McCrae on behalf of the Province of Manitoba.

Our Constitution belongs to all Canadians. I now ask the Manitoba Government to ensure for all Canadians that these universal principles of human rights are enshrined in our constitutional laws for all generations. Thank you, people.

Mr. Chairman: Thank you, Ms. Doig. May I just ask you, Ms. Doig, to take a look at page 4 of your brief and the first paragraph. You have a sentence there which says "so what is to prevent Premier Getty opting out of the health care federal program." I just wondered if you were aware that the Accord applies to future programs but not to any existing shared-cost program.

Ms. Doig: Yes I did, and maybe there is an implied assumption there. If we want to improve or change the Health Care Act, then it is my understanding that could apply. I am not a constitutional lawyer, but supposing he did do that, I guess my question as a citizen would be—if you change the Health Care Act, then the entire Health Care Act would be treated as a legal entity. Therefore, much of my concerns that are in here now in fact would come under that choice because the new additions would make the Act different from what it is today.

Mr. Chairman: That clarifies your position on that, thank you. Mr. McCrae.

Hon. James McCrae (Member for Brandon West): Ms. Doig, on behalf of the Task Force, thank you for coming forward today. I believe your presentation was well put together and well presented. My question will not deal with what is in your presentation but something that I am going to ask you whether you have given some thought to.

But before I do that, I would like to thank you for your mention of the Proclamation on the 40th Anniversary of the Declaration of Universal Human Rights. A copy of that hangs on my office wall too, and I am very proud that my signature is on it.

When you referred to your daughters and their children being spread across the country, it hit home a thought to myself in respect to those who come after us and brings me to the question, that being in your deliberations and in your consideration of our arrangements, if I can call them that, did you turn your attention to the question of Senate reform and whether

you think your daughters across this country and their children might somehow be given an equal or more equal voice in how their nation is run through a Triple E model of a Senate?

Ms. Doig: I did not focus on that. I think one of the main reasons I did was that I felt there were such confusing reasons into the press that surrounded the whole issue of Senate reform that I could not sort it out where I could present my own opinion without personally feeling there might be the risk of misinterpretation. I do not doubt that all of us in terms of our families and our communities and our future would not want to feel that Canada is a more equitable country and Senate reform which would change that representation at that level of how we run our country would have a majority support across the country. But, no, I did not investigate it thoroughly enough to include it as a major point in my brief.

Mr. McCrae: Thank you.

Mr. Chairman: Other questions? Mr. Filmon.

Hon. Gary Filmon (Member for Tuxedo): Thank you, Mr. Chairman. I too would like to thank Ms. Doig for her presentation. By her assertion that no parallel Accords or parallel amendments should be considered, I am wondering if Ms. Doig then infers that no amendments should be considered, that it is an all-or-nothing game, simply reject the Accord and proceed no further. Is that her advice to the committee?

Ms. Doig: I believe that the Accord as drafted can be amended and it can be a much stronger document. What scares me about a parallel Accord is that I think it is unnecessary. I think it is dangerous and I just cannot believe that it is going to end up at some complicated legal entanglement that the Supreme Court will always rule that there is a difference in the balance, and I think my other key point is that I believe Meech Lake Accord is forever. I believe that if we were going to make changes, we make it now. We do it before it is ratified. The emotion in the country already has demonstrated that to reopen a constitutional document after it is signed is very, very straining on the whole country. So let us make it right now and then make it forever and make it a constitutional document that we can be proud of. Did I answer your question there?

Mr. Chairman: A supplementary, Mr. Filmon.

* (1450)

Mr. Filmon: Not precisely, but then I have been accused of not precisely answering questions as well so I understand the difficulty, or abusing supplementaries, the Chairman says. I know that what we are after, and neither of us are constitutional lawyers, is a strict understanding of what each other means, and I know that the previous presenter indicated the difficulty of Constitutions being in lawyers' language so to speak, not to denigrate the role of lawyers in society, but I point out that I do not have any in my Cabinet.

Ms. Doig: I think I would not let them advise me.

Mr. Filmon: Seriously, the difficulty we have is trying to understand each other's points of views, but when we get into this business of talking about parallel Accords, I say to you that clearly what we have to be assured of is that the weight of the parallel Accord is such that it effectively is an amendment to the existing Accord. As long as we accept that is the case, then I would assume that we are talking about the same thing. It is not a question of—we have constitutional advisors, I might say, and we do not take these decisions based on our political judgments, but rather on the weight of the judgment of the constitutional lawyers. If they tell us that what has to be done is to pass in parallel an amendment that becomes a part of the Accord—by passing it together, it has equal weight with the Accord—would you be satisfied then that there is no possibility that one takes precedence over the other if in our Legislature they would be passed together?

Ms. Doig: I would have to say no. My real concern would be that as many constitutional experts that you can find who would tell you yes, it is alright, it is going to be parallel, there will be no difference, it is an amendment, then you can line up just as many constitutional legal experts on the other side who would say no, that is not the way the Supreme Court is going to rule. I guess as a Canadian I just want to feel secure that final document is not going to be challenged in the Supreme Court of Canada and that in fact a parallel Accord could be given different weight in the Supreme Court. That would be very different from what the politicians assure us.

Mr. Filmon: We have one way of assuring that and that is to pass it in effect with both amendments together so that they become the one and the same.

Ms. Doig: I am going to hang in there for a better Accord.

Mr. Filmon: Okay. Then we get back to my original - (Interjection)- I might say, that is exactly the reason that we are here today is because we are looking for a better Accord. So I get back to then my original question and that is, are you then suggesting that we must have amendments or are you saying not at all?

Ms. Doig: I would go for the amendments as we presented in the equality rights. I would have to say that the harder and longer I worked on this Accord, the more I felt that if we cannot amend it to reflect the will of Manitobans, then scrap it. It is not going to be the end of Canada. Quebec is a full legal partner right now. Let us bring Quebec in and make a more unified country in terms of the moral signature in a way that it unites Canada and does not divide Canada.

Mrs. Sharon Carstairs (Member for River Heights): I do not want to belabour this parallel Accord but I think it is important that we understand. I think I am correct in that you are saying that if a parallel Accord runs side by side with Meech Lake, at some point a Supreme Court is going to have to decide which one takes precedence. Would you be agreeable to a parallel Accord which in fact had the wording that the parallel Accord took precedence to the Meech Lake Accord?

Ms. Doig: At this point, I really wish I had a well of constitutional background that I could answer that. It is just more assuring as a citizen to feel that with all the emotion over the Accord that if at some future date that Accord is ratified, that we have it in there. I just have so many misgivings about what we get into when we start drafting a parallel document.

Mrs. Carstairs: So it is an amended Meech Lake Accord or no Meech Lake Accord?

Ms. Doig: Yes. I am going to come down on amended. We can afford a better Accord.

Mrs. Carstairs: Thank you.

Mr. Chairman: Any other questions? Just a kicker, Ms. Doig, but if the amendment was secure in every sense by a process of parallelism, you would be satisfied?

Ms. Doig: I cannot answer that. I want to see the Meech Lake Accord amended to reflect people.

Mr. Chairman: The next presenter is Mr. Vern Gilbertson, representing the Brandon Chamber of Commerce. Please proceed, sir. I am sure you will tell us who the gentlemen is with you.

Mr. Vern Gilbertson (President, Brandon Chamber of Commerce): Mr. Chairman, Premier Filmon, ladies and gentlemen, my name is Vern Gilbertson. I am President of the Brandon Chamber of Commerce, and this is Jeff Toews, our general manager, who has assisted in preparing our presentation. Thank you for the opportunity to present the Brandon Chamber's position.

Since 1883, the Brandon Chamber of Commerce has existed as an association concerned with commercial, industrial and civic progress of the community. The mission of the Brandon Chamber of Commerce is to work for sound legislation at the community, provincial and federal levels of Government, to provide a forum for the business community to develop options and programs which contribute to the quality of life, and provide leadership which will give business a strong collective voice.

* (1500)

The Brandon Chamber is truly the official voice of business in Brandon, with almost 700 members. We are, on a per capita basis, one of the strongest chambers in the nation. The Brandon Chamber recently surveyed our members with regard to the Meech Lake Accord. That's the green form that we presented to you. We sent a questionnaire to all our 680 members of the chamber and received an overwhelming response—198 replies were received. The vast majority of replies, 195, stated they do not accept the Accord without amendments. Only three replies indicated they would accept the Accord as presented. Almost 30 percent of our membership responded to this survey. This is an extremely high response rate, and clearly shows the concerns of our membership with the Meech Lake Accord.

Constitutional Reform. The Brandon Chamber of Commerce has joined the Winnipeg and Manitoba

Chambers of Commerce in expressing the need for amendments to the Meech Lake Accord. Our position is both consistent and supportive of the Winnipeg and Manitoba Chambers position. We are in agreement with the views on the major issues. We have a number of concerns and recommendations we wish to present.

We believe the Accord should not be accepted in its present form because of the following:

1. The adoption of the present Meech Lake Accord will give every province a veto over constitutional change. This provision, which requires unanimous consent from all provinces, will make constitutional changes very difficult. Any group or region which is not presently enjoying economic, social or political equality will find it very difficult to implement the changes.
2. The Meech Lake Accord will make constitutional and political equality for western Canadians especially difficult.
3. Rights protected by the Canadian Charter of Rights and Freedoms are no longer guaranteed under the Accord.
4. The Accord will make it much more difficult for Territories seeking to become provinces.
5. There is no guarantee of an equal, elected and effective Senate. In fact, Senate reform will be even more difficult to achieve because all provinces and the federal Government will have to agree to any changes.

Recommendations: That the Meech Lake Accord should not be signed by the Province of Manitoba until amendments are included to:

- 1) Retain the present formula for amending the Constitution of Canada as set out in the Constitution Act of 1983.
- 2) Guarantee that equal rights are protected under the Canadian Charter of Rights and Freedoms, and are not in any way affected by the Meech Lake Accord.
- 3) Provide a Senate elected by the people, with equal representation from each province, which retains the effective power provided to it at the time of Confederation.
- 4) Ensure that Territories will have the rights to become provinces.

In addition, the Chamber would like to comment on the notwithstanding clause in the Charter of Rights and Freedoms. This opting-out clause weakens, in our opinion, the intent and purpose of the Charter of Rights and Freedoms and it should be removed.

Thank you for allowing me to present the views of the Brandon Chamber of Commerce.

Mr. Chairman: Thank you, sir. Questions? Mrs. Carstairs.

Mrs. Carstairs: Thank you. There are a couple of issues that I would like to bring up. First of all, in your No.

1, "The adoption of the present Meech Lake Accord will give every province veto over constitutional change," I think you are aware of the fact that there are still many provisions of the Constitution that still could be ratified by seven out of 10 with 50 percent of the population. However, the issue that I suspect you are very concerned about is the Senate which moves from seven out of 10 to 10 out of 10 and, in light of that, are you prepared to see a structured House of Commons and a Senate with the Senate having a veto power over House of Commons legislation?

Mr. Gilbertson: I am going to let Mr. Toews respond to some of these questions. He has done a lot of the background work and we will get his opinion.

Mr. Jeff Toews (Brandon Chamber of Commerce): As far as Senate reform, we believe that, as we mentioned in our recommendations, a Senate should be elected by the people with equal representation from each province, which would change the effective power provided to at the time of Confederation. So to directly answer your question, yes, I think that we would accept a veto by the Senate over the House of Commons because it would be elected, it would be representative and it would be effective.

I realize that there has been a great deal of discussion and debate surrounding that particular veto but I do not think it has been given a proper opportunity to work. I think that ever since the Senate was—and throughout past years it has not been an effective Senate because it has not been elected. I think it should be given a chance, once it is elected, and we will see how it works, and I think that should basically be given a chance.

Mrs. Carstairs: In the American Constitution, as you know, if a certain piece of legislation—with regard to some pieces of legislation and they differ, if the Senate does not pass it, it can then go back to the House of Representatives and, provided that there is a larger majority in the House of Representatives, it can become law. Would you be prepared to look at that kind of an arrangement with our Senate in Canada?

Mr. Toews: Our chamber has not gone into that much detail on this particular issue in our deliberations, but I would just go back to my first comment and reiterate that we believe that a Senate, an effective, elected, equal Senate should be given a chance.

Mr. Doer: I am curious. On behalf of the chamber on the recommendation dealing with the notwithstanding clause, the first time the notwithstanding clause was used in this country was dealing with a dairy workers' strike in the community of Regina, and the rights were upheld in the Charter in terms of collective bargaining versus the Government's right to legislate them back to work. Is it the opinion of the Chamber of Commerce that the decision of the Devine Government in Saskatchewan to legislate people back to work was the kind of thing you would want to leave to the courts rather than to the Legislatures of the day?

Mr. Gilbertson: I am not sure. I am not familiar with that particular incident. I would just like to clarify our

position on the notwithstanding clause. I think that the opting-out clause in the Charter of Rights is very significant because it weakens the Charter significantly, as we have seen with its recent use. I don't believe that you should have a Constitution that includes the Charter of Rights that has an opting-out clause, and I have a problem with the fact that it can be enforced for a period of five years and then renewed. I think that adds a certain amount—not a certain amount, a great deal of uncertainty to the kind of Constitution that most Canadians want, something that is in place that is effective and that cannot just be changed overnight on the whim of a provincial leader.

Mr. Doer: So the chamber would be just taking the first case a bit further. If there was a national lockout of grain handlers or workers in the ports in this country, you would cede the final decision of that to the courts rather than the Parliament or Legislatures of the day.

Mr. Gilbertson: I am not sure on the relation of that. Maybe I could ask you to just provide me with a little more background and maybe just clarify the question. I am not sure on the relationship of that question to the notwithstanding clause.

* (1510)

Mr. Doer: The first time it was used I had asked—perhaps you look at the dairy-worker situation in Regina where it was first used, the notwithstanding clause was first used in this country. I am just curious to see the position of businesses on the more well-known position of what happened in Quebec on the language issue. There have been other utilizations of that clause, and what is the perspective of business on the utility of that clause by the Devine Government? I am just curious on the analysis of that.

Mr. Gilbertson: I am afraid I do not have enough information to answer that question.

Mr. Chairman: Any other questions? Thank you very much, Mr. Gilbertson, Mr. Toews.

The next presenter is Reeve Renwick of the Rural Municipality of Arthur. I see in fact, sir, that you are presenting on behalf of the Rural Municipality of Edward as well as Arthur.

Mr. Ron Renwick (Reeve, Rural Municipality of Arthur, and the Rural Municipality of Edward): That is right.

Mr. Chairman: Please proceed.

Mr. Renwick: Mr. Chairman, Members of the panel, as has been indicated, I am presenting this brief on behalf of the Rural Municipalities of Arthur and Edward.

We believe that the general population does not understand the Meech Lake Accord. We also do not understand many of the issues which have been discussed.

Special status requested by the Province of Quebec is a grave concern to us in that the Meech Lake Accord

would classify Quebec as a distinct society. The language issue should not entitle Quebec to special privileges. All people in the provinces are of equal importance. Because of veto power in the Meech Lake Accord, if passed in its present form, we feel it would not be possible to make any changes or amendments as, once it is signed by all provinces, we will be regulated by Quebec's demands.

We do not believe minority groups should be recognized. We are all Canadians by birth or by choice and should live under the same laws governing all Canada. Senate reform should give provinces equal power and be more effective.

We hereby urge the Government of Manitoba not to sign or ratify this Meech Lake Accord. If Quebec wants to be part of a united Canada, let Quebec come into the Constitution the same as other provinces with no deals or any other privileges. Thank you.

Mr. Chairman: Thank you, sir. Any questions from the Task Force? Thank you, again.

The next presenter, Mr. Glen Williams. You are appearing as a private citizen, sir?

Mr. Glen Williams (Private Citizen): That's correct, Mr. Chairman. I might also point out that most people here will recognize me as appearing as a lawyer, but for the Premier I appear as an engineer.

Mr. Chairman, Members of the Task Force, I shall be brief. I appear here vehemently to oppose the Meech Lake Accord, but I hope you will agree, with substantial reasons, to support that opposition.

The fact is this is the most destructive and retrogressive legislation ever envisioned or passed in this country. The Constitution of Canada, we have spent this century attempting to bring it out of the Parliament of Great Britain. We couldn't do it because we couldn't agree on one major item and that major item was amendment. We have saved that partly. However, there are major areas of reform, including the Meech Lake Accord, which will not be allowed, except by unanimity. Having spent most of a century being unable to obtain that unanimity, sitting here with Meech Lake, unable to obtain unanimity, why do we expect that Meech Lake could possibly work? We will be the only country in this world that has a major part of its Constitution buried in concrete, and who wants that?

Secondly, the "distinct society" clause, being against this appears to make us, and is called by many, racism. How wrong can you get? That is absolutely and totally untrue and a red herring that's being thrown at the people of this country. Unlike one of your previous speakers, I don't intend to amend the Constitution in my talk nor do I intend to throw Quebec out. Quebec will stay. They are protected under the BNA Act and under the Constitution Act but the distinct society, beyond a shadow of a doubt, will produce two Canadas, something we have opposed in this country forever.

What about equality throughout this Dominion? It will disappear. Opting out will become rampant in Quebec. They have already done it as often as they could. There

will be two Canadas. The notwithstanding clause just won't matter anymore and Premier Bourassa has made that absolutely clear. We are losing the rights to a strong central Government and Canada, the way we are built, mainly within 60 miles of that 49th Parallel and the Great Lakes, will no longer exist as a country. We'll be broken apart bit by bit and piece by piece. I, for one, don't want to see that happen.

The threats of a Party Quebecois revival as a consequence of not passing Meech Lake and subsequent separation, again, I find a red herring. In any case, if that were the situation, what is the difference between a de jure separation with the Party Quebecois, and a de facto one with Meech Lake. To me, there isn't any difference whatsoever, but having lived many years in Quebec—and my wife comes from Quebec and was born and brought up there—I do not believe the people of Quebec, even if Meech Lake is not ratified which I fervently hope it will not be, will ever leave Canada. Their saviour is Canada. Their only chance to maintain their language is Canada. They will remain and be staunch Canadians—stauncher than most of us.

Why then are the Premier of Quebec and the Prime Minister of this country so strongly supportive? What is the motive? The motive is very simple. Mulroney made it clear, totally clear to all of Canada. It is crass political expediency. The Liberals have represented this country as the Government of Canada for most of this century for a simple reason, a Quebec base always being elected in Quebec. When they lost Quebec, as they did to Diefenbaker, they lost the right to govern this country. So what did Mulroney do? He said, well, I will replace them. And how will I replace them? I will make Quebec my power base. And how will I get Quebec as a power base? I will satisfy Bourassa in any way possible and then I will be entitled to re-election forever. That is what he has done. It does not matter now what happens. He will continue to push for it, because even if he does not want Meech Lake to pass personally, it does not matter. He is now a winner because he has been the staunch supporter before Quebec and before Bourassa.

So he has won at the expense, unfortunately, of a strong Canada and equality in this great country. Bourassa has told us Senate reform "after," notwithstanding change "after," even though he says he really does not need it. He also told the people of Quebec when he was elected last time that he would revise the sign law, but he didn't. He reminds me of the old saying, "The cheque's in the mail." You never get it.

You know, I watched the American election. I begin to see, with what is happening on our federal scene with Bourassa and Mulroney, it is "read my lips and if you have any sense, for God's sake, do not believe what you see." I personally refuse to be stampeded by false calls of racism. I refuse to condone such destructive legislation on that false call. Anybody who looks at the proponents and their reasons for the support, instead of that instilling faith, such a perusal will prove to anyone that an appropriate amount of skepticism is prudent and justified, if not plain scorn and disbelief.

I do not believe further amendment to Meech Lake or a parallel concordance will be an asset. I believe we need to start over. You cannot amend; it is too destructive. You have to start it over. I say, down with Meech Lake and up with Canada. Thank you.

* (1520)

Mr. Chairman: Are there any questions to Mr. Williams? Mr. McCrae?

Mr. McCrae: I do not have a question, Mr. Chairman, just a comment. Mr. Williams, it should please you to know that the Premier lets engineers into his Cabinet.

Mr. Williams: Yes, I have noticed that.

Mr. Chairman: Which comes first, Mr. Williams, the Q.C. or the P.Eng.?

Mr. Williams: Well, unfortunately, the Professional Engineers think I am so far removed from engineering they will not allow me the use of P.Eng. anymore. So I consequently only use Q.C.

Mr. Chairman: Any questions? Thank you very much, sir.

Mr. Williams: Thank you.

Mr. Chairman: The next presenter is—how are the folks at the back in that plush, lovely room back there? Can you hear us all right? Everything all right? Good. You are just as welcome back there as up here. Good to see you.

Our next presenter is Mr. John Green, private citizen. We are ready, sir. Please proceed.

Mr. John Green (Private Citizen): Ministers, ladies and gentlemen of the Task Force, those who forget the past are destined to repeat it. That old adage is still current today as it was between 1295 and 1547. You may well ask, what has that to do with Meech Lake? What happened during that period was the forerunner of the present Meech Lake Accord and contained two of its ingredients, political avarice and duplicity. What transpired during that period is virtually unknown to Canadians, and what I am about to reveal may be regarded as a long overdue history lesson.

If we wish to avoid a repetition of the past, we should view the Meech Lake Accord as anathema to all that is decent in Canada. It is a monstrosity and a slap in the face to our native Indians and other cultures, and should be denounced because we will be divided by a hostile unilingual and uncultural Quebec.

As a Canadian, I should be able to walk where I want in Canada. As a Canadian, I should be able to stand where I want in Canada. As a Canadian, I should be able to lie down where I want in Canada. I should be able to do all those things anywhere in Canada, from sea to sea and north from the 49th Parallel to the Arctic. There should be no barriers, language or otherwise. There should be no obscene Berlin Wall or a sinister French aluminum curtain.

The haunting refrain of our national anthem is falling on too many deaf ears. It speaks of true patriot love and the true north strong and free, none of which are really true. There are far too many barriers. The tragic imposition of an alien French language on an angry and offended society is an unfolding nightmare.

With or without Meech Lake, the French are not obligated to obey the law of the land. Like a snarling dog in a manger, they hold Canada to ransom. They taunted us with Bill 101 which the Supreme Court of Canada ruled as unconstitutional. Quebec rejected this ruling and introduced the repulsive notwithstanding clause, loudly insisting they are a distinct society. Indignant protests from all over Canada disproves that claim very convincingly.

The English language has been curbed and almost obliterated in Quebec, and yet we are being force-fed French from Newfoundland to Vancouver Island. Shamefully, as if we are already vanquished, we are being coerced by a dictatorial Government in Ottawa to listen to French-accented announcers on the CBC English network, to French-accented voices when we phone the RCMP, and to French-accented voices whenever we do business with the multitudinous federal Government departments in provinces where French is virtually non-existent. The federal Government in Ottawa has obviously lost its sense of smell if it cannot recognize the rancid odour of Meech Lake.

When will those who are opposed to Meech Lake stand up and be counted? The churches have remained strangely silent, as have the Chambers of Commerce. Like Nero, they are fiddling while Rome burns. Cowardly, they have deserted the English minority in Quebec reprehensibly. No help is to be expected from Mr. Mulroney who speaks French out of the left side of his mouth and an entirely different version out of the right side, choosing his words with caution when directing any criticism toward his friend, Mr. Bourassa.

We definitely cannot depend on a bunch of tired and hungry Premiers who were unwittingly hypnotized into approving Meech Lake. After the last pen had stopped scribbling, Mr. Bourassa put on a smile that would have humbled a Cheshire cat. Thank God that Mrs. Carstairs, Liberal Opposition Leader, has not been duped by the rhetoric and hoopla. Praise be that Mr. Doer and Mr. Filmon are also against Meech Lake or it would have been a fait accompli, a dumb thing and presumably irreversible.

When I think back, I still recall very clearly going over the bridge from Ottawa to Hull, Quebec. That was in 1954. Halfway over the bridge, all the passengers stopped speaking English, as if we'd entered a foreign country. The bus driver, who was thoroughly bilingual, refused to answer questions unless posed in French. When I asked him what the reason for this was, he replied sadly, I thought, "Monsieur, je suis marié et j'ai deux enfants," which of course means, Monsieur, I have two children and a wife, and as only the French can do, he shrugged and smiled woefully. It is still the same today, and it will be the same forever after if this Meech Lake agreement is passed into law.

I mentioned at the beginning of my address the old adage that "those who forget the past are destined to

repeat it." I am well acquainted with the history of that period between 1295 and 1547, and I am happy to be able to share my knowledge with you. Very few Canadians are aware of that segment of history, when a medieval Meech Lake reared its awful head north of the Scottish-English border. This history lesson lasts only two minutes.

In 1295, the French, then at war with England, were sowing discord in Scotland. As the years passed by, the French, in 1513, demanded of James IV of Scotland that he invade England if Henry VIII continued to attack France. This resulted in the terrible Battle of Flodden Field in northern England. Tragically, the Scots lost 10,000 wounded and dead, the English 4,000. Among the Scottish dead were King James IV and the Archbishop of St. Andrew.

In 1538, against the wishes of the proud Scottish people, the French court was firmly established north of the Scottish-English border. Nine years later, in 1547, John Knox, the great Scottish religious leader, was taken prisoner when a French fleet attacked and captured St. Andrews on the east coast of Scotland. He spent one-and-a-half years at hard labour in French galleys before being released at the request of King Edward VI of England.

Blatant French meddling in Scottish affairs caused a widespread resurgence of anti-French sentiment. Nonetheless, in 1558, the Dauphin, the King of France's eldest son, became an integral part of the royal family of Scotland. This was one of the reasons why John Knox returned to Scotland a year later to aid the Scots who had revolted, and he asked the English Government to intervene with military and financial aid. An English fleet sailed up the east coast of Scotland and attacked the French, who were firmly entrenched in Edinburgh and defeated them.

* (1530)

That is the end of the brief history lesson, but I would like to impress upon you the similarities analogous to the periods I have mentioned and the duplicity and double talk of the Meech Lake agreement discussions. Loud voices from the pro-Meech forces tell us to sign it and get it over with and that changes will be made afterwards. Don't believe it because it reeks of treachery and deceit. If the Meech Lake agreement is signed into law, it will inevitably make French the dominant culture in Canada—a fate Scotland narrowly escaped in 1559.

Already history is repeating itself. In the first instance, we had England, Scotland, France and John Knox. In the second instance, we still have France, along with Canada, Quebec and the black shadow of Meech Lake. Sadly, we do not have a fearless John Knox. Nonetheless, even without Meech Lake, the French element remains. France is getting preferential treatment over Newfoundland, and Newfoundlanders are incensed at the increased cod quotas given to France by the Mulroney Government. John Crosbie, Mr. Bourassa, Senator Lowell Murray, Benoit Bouchard, Lucien Bouchard, among others, are already threatening the Premier-Elect of Newfoundland, Clyde Wells, warning him to keep his hands off Meech Lake, which

must remain as is. Promises by Mr. Bourassa to make piddling changes to the notwithstanding clause but only after Meech Lake is ratified are tantamount to abolishing hanging and substituting execution by poison.

Luckily, Scotland had a John Knox, a man whose ilk has never been equalled. Our greatest needs at the moment are honest politicians and a very alert public. The Meech Lake hearings should not be perceived as kindling intolerance toward Francophones or creating anti-French hysteria and so on. There are many Frenchmen and women in Quebec, St. Boniface, Manitoba, and in other thriving communities across the land who do not wish to see Canada emasculated.

The shadow of Meech Lake is spreading insidiously and driving bureaucracy mad. Already it is compulsory to needlessly translate millions of documents into French, needlessly compulsory for millions of Canadians to speak French. Combined with duplicity, millions of dollars are being needlessly drained from the economy.

Remember the CF-18 contract going to Quebec? Sure we resent Bourassa's suppression of English rights in Quebec at the time when many Manitobans are embracing bilingualism and demanding more French Immersion courses and to top it all we are given a slap in the face with Quebec Bill 178 with its indoor-outdoor sign restrictions and further insulted by being asked to embrace Meech Lake which is Quebec oriented and whose clear message is: "Hands off Quebec."

We should ask ourselves, what is going to happen next, especially when we record the deceitful relationship between Liberal Leader Mr. Bourassa and Conservative Leader Mr. Mulroney during last fall's election, which helped the Conservatives swamp the Liberals in Quebec.

In closing, I would like to stress the following:

1. Mr. Bourassa is using the notwithstanding clause to further quash the rights of all minorities in Quebec. The aim of Meech Lake is to quash the rights of English minorities absolutely and to ensure a closer union with France.

2. On December 19, 1988, Mr. Mulroney said in English and you will find it in Hansard: "Mr. Bourassa has violated the spirit of Meech Lake" and he went on to accuse him of violating minority rights in Quebec. Yet, in response to a question in English the same day, he reverted to his old trick of replying in French that Quebec is a leader in minority rights and a model for other provinces. I ask you, who is he kidding? Not our native Indians who have a much greater claim to being the truly distinct society than the French, and then of course we have the Ukrainians who worked their guts out to make the Prairies bloom. Let us not forget the Germans, the Poles, the Chinese and the other many nationalities who also have a genuine claim to uniqueness.

3. Mr. Bourassa has vowed to veto the Canadian Constitution to prevent the removal of the notwithstanding clause, even though the Supreme Court of Canada has struck down Quebec Bill 101 as being unconstitutional. But adamantly and foreshadowing Meech Lake, Mr. Bourassa says he will use Section 38

of the Constitution to veto any amendments that would reduce Quebec's powers, and we are accused of Quebec-bashing.

4. The pro-Meech forces accuse Mr. Filmon of manipulating Manitoba's fear of bilingualism, but common sense tells us that is blatant fear-mongering. It is clearly evident that we are dealing with a clique who are dealing from a marked deck.

My advice to Mr. Filmon and indeed to Mrs. Carstairs and Mr. Doer is, do not be daunted by false and evasive comments such as "we can make all the appropriate changes after Meech Lake is signed." Do not buy a pig in a poke. Beware of Mr. Mulroney, Mr. Bourassa and the Parti Quebecois who are intent on forcing the French language and culture on an angry and offended public.

Finally, and I say this from the bottom of my heart, the Parti Quebecois are determined to exchange the Fleur-de-lis for the Maple Leaf, and it is incumbent upon you, Mr. Filmon, that you do not betray Manitoba.

Mr. Chairman: I am sorry, I cannot allow outbursts during a presentation. Please desist. If you wish to applaud at the end of the presentation, ladies and gentlemen, you are most welcome, but it will unnecessarily prolong and disrupt our proceedings if there are spontaneous outbursts during a presentation. Is that your conclusion, sir?

Mr. Green: No, since I have three minutes left—I have just timed it—in my presentation, I would only ask that I may be allowed to conclude befittingly. I speak several languages and I do not wish my remark to be perceived as biased toward the French in general. It is the basic love for my country, Canada, that makes me vociferous in my concern for what is happening in Quebec and what will happen in Canada if the Meech Lake Accord in its present form is made law.

Meech Lake will divide provinces, and the old adage: "United we stand, divided we fall" is analogous to the fall of the great Roman Empire.

Only a strong central Government will ensure a vibrant and healthy Canada. The writing on the wall in 1295 is now appearing very legibly on the Meech Lake scenario in 1989, and if we accept Meech Lake in its present form we shall have sounded the death knell of Canada. Thank you.

Mr. Chairman: Thank you, Mr. Green. Are there any questions from the Task Force?

Mr. Green: I hope not.

Mrs. Carstairs: Just a comment, sir, both the Chairman of this meeting and I are both historians of some, he better than me but we had some trouble with your 1295 and 1547 dates. I got 1547 as the death of Henry VIII and 1295 I knew was just prior to the Hundred Years' War, so we thank you for that clarification today.

Mr. Green: Yes, 15—no, I will not go into the Mary, Queen of Scots issue because I know it would not go over very well.

Mr. Chairman: Yes, she married the Dauphin. We must not get onto that.

Mr. Green: That is right. I did not say that either. I do not want to hurt anybody's feelings. Thank you very much.

Mr. Chairman: Thank you, sir. Our next presenter is Mr. Martin.

Mr. G. A. Martin (Private Citizen): Mr. Chairman—

Mr. Chairman: Sir.

Mr. Martin: —ladies and gentlemen of the Task Force—

Mr. Chairman: You are here as a private citizen, sir?

Mr. Martin: Yes, sir, and I was instructed not to bring 15 copies.

Mr. Chairman: Pardon me?

Mr. Martin: I was instructed not to bring 15 copies of what I intend to speak about.

Mr. Chairman: You have copies, you say?

Mr. Martin: No, I have not.

Mr. Chairman: Do not worry about it. It is not a problem. Sir, if you would just pull that machine right towards you and point it at your mouth, that is great.

Mr. Martin: I am bashful.

Mr. Chairman: Good.

* (1540)

Mr. Martin: Opening statement, thousands of men and women served Canada in wars and we believed that people in Canada should be treated equal and no distinct societies should rule. I was one of them.

Quebec has the following Acts in place in their laws: three judges in the Supreme Court of Canada; 24 seats in the Senate; Quebec has civil law instead of British Common law like the rest of Canada; they have their own language laws which breach the Charter of human rights; they have their own laws in all systems which differ from the rest of Canada, tax systems, welfare, immigration, pension and laws.

Their Government seems to be able to overrule the central Government and the Supreme Court of Canada. Is Quebec ruling Canada today?

Quebec has no right to a distinct society in Canada more than any other ethnic or cultural group living in Canada. All cultures should be Canadian first and their ethnic culture last.

Quebec should have the same laws and Acts that govern the rest of Canada, no more or no less.

The Senate: The Senate is an elected body that was formed for the purpose of regional representation. In

a century, it has held up a Bill for 60 days and that was when Brian Mulroney wanted to borrow \$19 billion. Therefore, in its present state it is of little value as a governing body in these modern times of society and Government.

In this day of unitarian and authoritarian Government we require an elected Senate, not by the patronage of the Prime Minister and appointments of the Governor General of Canada.

They, the senators, should be elected from each province and territory, and their credentials should compose of laws, economies, corporations, science and high technology. Now these are my own personal views and nobody else's.

Four senators should be elected from each province and territory. They should have the power of passing or rejecting all Bills from the House of Commons, and the Chief Justice of the Supreme Court of Canada sign such Bills so that they become Acts.

Rewriting of the Constitution: On April 16, the Prime Minister of Canada said the Constitution is not worth the paper that it is written on. The Constitution of Canada is outdated for today's society. It is composed of the British North American Act and the Constitution of the Americas. The time has come when we, the people, are governed by the Constitution. We cannot have a silent part in the Constitution where politicians, Prime Ministers and the rest of Canada do not answer to that Constitution.

Political Parties or groups in our society should not have the right to separate from the nation state of Canada. If so, they should be tried for treason in the Supreme Court of Canada.

These are my own views. I have no more to say, only I have some questions if there are no questions of me. One question is, should the Government of Manitoba decide to hold an election, then there should be a referendum on the Meech Lake Accord.

Mr. Chairman: The Task Force is not in fact here to answer questions, sir. They are here to listen to you. I presume that is a recommendation that you have just made, is it not?

Mr. Martin: That is a recommendation. Any event that affects the country or the public as a whole should be passed by a referendum and should be written into the Constitution.

The Canadian Government is supposed to be a democracy. Then why are the matters that govern the public held behind closed doors and decided by 10 to 11 men?

That is all, sir.

Mr. Chairman: That also is an observation. Go ahead, sir.

Mr. Martin: I am finished, sir.

Mr. Chairman: Thank you. Are there any questions from the Task Force? Thank you very much, sir.

The next presenter is Mr. Ronald Simpson, private citizen.

Mr. Ronald Simpson (Private Citizen): Mr. Chairman, Members of the Task Force, members of the news media, ladies and gentlemen, I believe that the people of Canada are at a crossroad in their history. We have reached a time when some real changes need to be made. These hearings in Manitoba are an important opportunity for people to tell their legislators what they would like to see happen. It is a pity such hearings are not being held in every province.

My understanding of the Meech Lake Accord is that it is a wide-ranging amendment to the Canadian Constitution. The problem that I see is that this so-called Accord is seriously flawed. This is quite understandable because it was arrived at much too hastily by 11 men who were apparently desperate to reach a deal. It is quite possible in my opinion that very few of them really understood all the implications of such a deal.

The Prime Minister has recently stated that the Constitution of 1982 was seriously flawed. This is the one that was repatriated back to Canada. He may well be right. The old British North America Act, which it replaced, was seriously outdated. I think it is high time we stopped trying to patch a worn-out and already overpatched garment with poor quality patches. What we really need to do is draft a completely new Constitution for Canada. All of the material going into it should be new. That is not to say that we should not use good ideas just because they are old. For starters, we have a book published in 1982 entitled, "Canada Can Now Adopt A Model Constitution," and this book is co-authored by W. Cleon Skousen and Robert N. Thompson. I have read it all and it's worthy of anyone's time to read it and consider it.

While I am sure the majority of people of Manitoba and western Canada who have taken the trouble to look at the Meech deal are opposed to it, this may not hold true in the two largest provinces. I accept the fact it may be very difficult to arrive at a satisfactory deal. It could be even more difficult to agree on a completely new Constitution, but I would certainly like to see it attempted. What I don't want to see, above all else, is the Meech deal ratified. I think to do so would doom us forever to the role of a colony of the two largest provinces, namely, Ontario and Quebec.

In order to support this stand, I would like to quote Mr. Brian Schwartz, Professor of Law at the University of Manitoba, speaking on CBC radio. I was able to tape his talk and then I wrote out this quote from that: "Neither Ontario nor Quebec have any interest in a Triple E Senate." Triple E is the term used to denote elected, equal, meaning each province would be represented by an equal number of senators, and effective.

Again I now quote Professor Schwartz: "Once Meech is ratified, a new immigration policy comes into effect which will ensure Quebec maintains its clout in the Commons, without us in western Canada being able to change the Senate for a counterbalance. Meech gives

us the worst of all possible worlds—a constitutional time bomb."

Schwartz continues and I continue to quote: "The Senate's legal powers will continue to be practically unlimited—almost the same as the House of Commons. Every senator appointed henceforth will be by a provincial Government, and so will have a provincial perspective. It could very well become a potentially destructive force to national unity. Senators from Ontario and Quebec could work together to force the federal Government to continue to discriminate in favour of themselves. The Senate currently underrepresents western Canadians. After Meech Lake, we will have a further entrenched situation in which the Senate is dominated by Ontario and Quebec. Instead of getting some reasonable counterbalance to the dominance of Ontario and Quebec, the Meech deal will have enconced it even further. What should be done, at this point, is to put a Triple E Senate with reasonable powers into the Constitution now."

* (1550)

Professor Schwartz didn't go into the reasonable powers very far, but he thought it shouldn't be as dominant as the House of Commons, that it should be a lesser body than the House of Commons, and I agree with that. "This Senate would give the West the representation it so badly needs. If these details cannot be worked out, the Senate should be abolished while we continue to talk about it, rather than let it become a potentially destructive force."

Professor Schwartz suggested that to provide an incentive to Senate reform, we should stick to the position that the immigration part of Meech Lake not come into force until a Triple E Senate does. He added, the federal Government still has lots of bargaining chips left, and could very easily pull off a fair deal for everyone regardless of threats from any particular Premier. Professor Schwartz concluded his talk by emphasizing, and I agree with him completely, and I quote, "that there will be absolutely no chance of any type of Senate reform that will be in the interests of western Canadians once the Meech deal is ratified."

I have collected numerous newspaper clippings on Meech Lake in the past year. One is by Don McGillivray of Ottawa, who regularly contributes articles to the Brandon Sun. He entitles this one, "Mulroney prefers Patronage-Picked Senate." He refers to the type of Senate the Prime Minister prefers as Triple P and he goes on to elaborate, "patronage-picked, patchy and powerless." Is this the kind of Senate anyone else really wants?

In another article, an Australian Government official described the Senate in Australia as elected with the same number of Senators from each state, and he claimed it was quite effective. Australia somewhat resembles Canada, with its vast area and diverse regions. If such a Senate can work for them, why will it not work for us?

If we could get down to drawing up a new Constitution, the whole business of patronage appointments should receive careful study. This would

include the Supreme Court where western Canadians are again underrepresented. All nine members of the present Supreme Court have been picked by two Prime Ministers and both have come from Quebec. Under our present system, the Prime Minister wields far too much power. When the Prime Minister decides he wants something, the whole caucus agrees or else, be it free trade or Meech Lake. I find it very interesting that while most people appearing at these hearings are opposed to Meech Lake, a large proportion of those who are not opposed are federal Members of Parliament, past and present, representing Manitoba constituencies of course.

If we are unable to obtain a new Constitution, I see very little hope of us in Manitoba ever becoming a fairly treated part of Canada. I would like to quote from an article by Mr. Fred McGuinness of Brandon in his "Neighbourly News" column of January 31, 1989. Quoting Mr. McGuinness here, "Let us take a look at that pair of indignities heaped upon the Prairies in recent years, the National Energy Program and the CF-18 fiasco. Consider what the Canada West Foundation said about these celebrated cases in one of its research papers: 'As it happens, the two decisions were made by two different Governments, two different Prime Ministers, by Parliaments dominated by two different political Parties. In the case of the first, almost all of the western MPs sat on the Opposition benches and in the second most of the western MPs sat on the Government benches, but in the final analysis none of this made any difference, Mulroney or Trudeau, Conservative or Liberal, large western caucus on the Government side or the Opposition side.'"

I have one more comment on this quote from Fred McGuinness. Happenings like this are nothing new to us in western Canada. I was born in Manitoba, as was my late father before me, and what the two of us have seen in this regard over two lifetimes could not all be related in these 20 minutes that I have today. I will therefore only mention one, and I choose it because it illustrates how Ottawa used us right from the start.

When this area which was called Rupertsland was acquired, Ottawa took possession. When Manitoba was formed and later Saskatchewan and Alberta, Ottawa maintained control of all of our natural resources. These new provinces saw some very tough times financially. My grandfather owned some Alberta Government shares in 1938 and when he tried to sell them they were worth less than five cents on the dollar. So in other words, Alberta was bankrupt at that time. Ottawa continued to collect royalties, stumpage fees, and every collection they could make from these resources until around the end of World War II when they were finally given back to the western provinces.

To sum up, I will declare that Meech Lake is a thoroughly bad deal for us because far too much was given away. I ask, why all the panic? Some say Meech was necessary to bring Quebec into Confederation. To this, I will say that Meech still is not in effect but Quebec does not seem to be outside of anywhere looking in. They were able to invoke the notwithstanding clause in response to the recent Supreme Court decision on their language law and, to elaborate, I think as long

as we have this present Constitution, the notwithstanding clause is probably not such a bad thing. It gives our elected representatives the final say over the courts which, as I have already said, are appointed.

Many Quebec residents hold key Cabinet posts in the federal Government, etc. I have heard others say that Quebec needs to be recognized as a distinct society. I refute that. In a country like this, we do not want to go back to a class system. At any rate, one might well ask how much more distinct do they feel they need to be? They have been prying concessions and special deals out of Ottawa for years. They already have a special immigration deal with Ottawa without the one they will get if Meech goes through, and who knows how many other deals have been made?

Another extremely bad feature of Meech that I must mention is the effect it would have on any future amendments or changes some of us may want. Under the old British North America Act, any seven provinces having a total of 50 percent of the national population could petition the British Government to have the Constitution amended. That was difficult enough getting that number of provinces to agree on a question. This feature was roughly maintained when the Constitution was repatriated to Canada, so to speak, in 1982.

The Meech proposal gives every province a veto, or in other words all 10 provinces must agree, plus the House of Commons and the Senate, before a constitutional amendment can pass. The only fortunate part of the whole proposal was that it was decided all 10 provinces had to ratify Meech before it could pass. Were it not for that, a very bad deal would probably already be an accomplished fact. It is this feature of having to have every Government approve any changes that makes it difficult to achieve fairness under Meech.

Many groups who oppose the Meech deal are opposed because they were left out. I agree with them. Minority groups who are not mentioned could run into endless difficulties later on. The whole world is being subjected to change. We are no exception. Some provinces may later on wish to amalgamate, others divide. The northern Territories have provincial ambitions. They are all correct in their concerns because all these things would require the approval of all 10 provinces, which we might very well never get.

In conclusion, I commend all Members of the Manitoba Legislature who resisted ratification of the Meech deal. Your stand helped make these hearings possible. Such hearings are all too rare an occurrence. They should be written in to our new Constitution. I urge our Premier and his Government to please hang tough on this question. Do as Quebec has done for years. Do not agree to anything until you have achieved everything we want. Ignore all the threats.

Please remember that the majority of us who oppose Meech are not anti-French or not anti-Quebec. We are pro-Manitoba and pro our western region, and it is high time we were. Some fear we will pay a price for our resistance. It is not that veiled threats have not been made. We say that whenever a cause is as worthy as this one of ours, any price that can be extracted will be a bargain when compared to the alternative and its price.

Thank you very much.

* (1600)

Mr. Chairman: Premier Filmon.

Mr. Filmon: Mr. Chairman, I thank Mr. Simpson for his presentation. On the Senate reform, Triple E Senate, you are saying, sir, something different from other presenters. You are suggesting that the Senate not be given an absolute veto. Is that correct?

Mr. Simpson: Yes. I would think that they—well, I was not aware until earlier today when Mrs. Carstairs mentioned the American system where they could go back to the House of Representatives and if it was passed by a larger—I would think that now the role of the Senate, when it vetoed the last piece of legislation, the Free Trade Bill, near an election and then when the people spoke in the election I would think that they did the right thing to back off the second time. I would think that should continue to be somewhat along the role of the Senate, that the House of Commons would be probably the major legislative body. Professor Schwartz in his article—he went into it a little further than I quoted him—said that it should have a little less power than the House of Commons. They should not be able to deadlock each other.

Mr. Filmon: Then are you referring to a suspensive veto, that it could prevent the passage for a period of time?

Mr. Simpson: Yes, I would agree with that, that it should.

Mr. Chairman: Any other questions? Thank you very much, Mr. Simpson.

Mr. Davidson, whom I called earlier, is Mr. Davidson here now? We have reached the end of our pre-registered list for this afternoon. Are there any others here this afternoon who would like to speak on Meech Lake, who have not pre-registered? You are quite welcome to come forward. Are there any of this evening's presenters who would like to go this afternoon? We are running a little early so we do have time to hear any of the evening presenters who might do us that favour. Are you on for this evening, sir? Please sit down and we will hear you with interest.

Mr. Abram Harder (Private Citizen): Chairman and Members of the Task Force Committee, I thank you for allowing us to present our views on this subject. The way it is presented to us is that it is the only way to bring Quebec into the Constitution. I contend this is complete misrepresentation. Quebec's use of the notwithstanding clause renders their dissent as entirely academic.

The precedent set by Lester Pearson, then Prime Minister of Canada when the Conservatives toppled his Government, was to unquestioningly govern or to continue to rule or govern as soon as the inept Conservatives tabled their questions, which was interpreted as recognizing the present status. This rule

should be binding under the present circumstances also.

As to the affront of the Minister of Languages being beyond the law, calls for a challenge that Quebec withdraw from the Confederation and recall all Members of Parliament, and that they must surrender all rights claimed in Labrador back to Newfoundland, which demand is just as arbitrary as the Meech Lake Accord or the French languages are to the West. Thank you.

Mr. Chairman: The presenter is Mr. A. A. Harder, H-a-r-d-e-r. Thank you, sir. Any questions to Mr. Harder? Thank you.

Are there any of this evening's list who are prepared to go this afternoon? Anyone else who would like to speak then this afternoon? Yes, sir, are you on this evening's list? You are someone who is not registered?

Mr. Gary Nestibo (Private Citizen): Yes.

Mr. Chairman: Please, sit down. Give us your name and proceed.

Mr. Nestibo: Can I pour a glass of water, please?

Mr. Chairman: Could you just give us your name, sir?

Mr. Nestibo: Gary Nestibo, from Goodlands, Manitoba.

Mr. Chairman: Would you mind just spelling the last name for us, please?

Mr. Nestibo: N-e-s-t-i-b-o.

I would like to begin today by expressing my thanks to the Manitoba Government for giving the people of Manitoba a chance to express their views on the constitutional amendments brought forth by Quebec in the Meech Lake Accord. I would also like to thank the Opposition Members for giving their support to these important constitutional hearings going on today.

As a citizen of Canada, living in the Arthur constituency in the southwest corner of the province, I have come to the hearing today to express my concerns that I have with the Meech Lake Accord.

In reading the Accord, I see where one of the Government's main reasons for these amendments, is to create greater harmony and cooperation between the Government of Canada and the provinces. I am wondering how you promote greater harmony and cooperation between provinces by naming one province a distinct society. This clause can be interpreted a hundred ways and would seem in the end to only promote discontent and animosity toward one another.

In the area of Senate reform, I feel the Accord does not go far enough. To suggest that the provinces produce a list, whereas one would be chosen to occupy a vacant position in the Senate, wouldn't be all that different than what we have happening today, the only difference being a provincial politician rather than a federal politician appointing a senator.

For real and meaningful Senate reform, we need an equal, elected and effective Senate, similar to what

takes place in the U.S. Our present-day political system, such as we have in Canada today, is just not working. The most blatant example of this was in the awarding of the CF-18 contract to Montreal rather than Winnipeg. It is political interference like this that makes it imperative that we get a Triple E Senate as soon as possible.

On the point regarding any further constitutional changes, I feel the present system of any seven provinces with the need of 50 percent of the population is more democratic than the one that is being proposed in the Accord, that being each province having veto power. I feel with this type of veto power any further constitutional changes will be virtually impossible. Thus Senate reform, in my view, would never get off the discussion table. I feel that constitutional changes should be brought to the people of Canada in the form of a plebiscite so that the people have a say in the shaping of the country for themselves and future generations.

On the point of giving provinces the power to opt out of future national share-cost programs, I feel this would be going against the spirit of free trade and the ongoing GATT talks. It would seem that if we are to have a true free trade—north, south, east and west—we must have unanimity in programs that are to be implemented throughout Canada.

In regard to the provinces being able to select Supreme Court judges, I feel this could lead to a more balanced and broader-minded court. As the system stands now, with one person being able to appoint judges as vacancies occur, this can lead to a court that may be biased, too liberal or too conservative.

As we hear people say today, "Sign the Accord, it's not perfect, but we can work the legalities out later," I would say to these people, why does Quebec not sign and enter the Constitution as it stands today? Then we can work out our differences later on. It would seem totally inept to sign an agreement that most Canadians do not agree with.

It seems today we have a Government willing to inflict long-term pain on the people of Canada for the short-term political gain at whatever the cost. Canada is more than a mere commodity, I think in my mind, just to be bought and sold like a contract for pork bellies. So with that, I will thank you.

* (1610)

Mr. Chairman: Thank you, sir. Are there any questions for Mr. Nestibo? Thank you. Did I see someone else from this evening's list who is going to be kind and come forward, or someone who is not registered?

Miss Eileen McFadden (Private Citizen): I was informed to come at 4:07 this afternoon.

Mr. Chairman: My goodness. What is your name, please?

Miss McFadden: Eileen McFadden.

Mr. Chairman: Thank you very much, Miss McFadden. Please come forward.

Miss McFadden: I have a copy of my submission for the hearings if you—

Mr. Chairman: Yes, we will have the secretary take it from you, please.

Mr. Nestibo, if you have a written copy of what you gave, sir, and you give it to the secretary, we will have it distributed to the Members of the Task Force.

We will be ready in just a moment. We will go ahead. We will have copies made of your presentation for us. Please proceed.

Miss McFadden: I welcome the opportunity provided by the Government of Manitoba to make this presentation. I would like to start out by saying that I would welcome the Province of Quebec into the Constitution, but not by a process which jeopardizes the existing rights of a large number of Canadian citizens, including those living in Quebec. The Accord does not list the rights as listed in the Charter of Rights. It must be amended to fully cover the rights listed in Article 15 of the Charter of Rights, and to include Article 28 of the Charter.

I feel that the omission of these rights, to me, is not accidental. It appears to be an agenda. I have studied communications and in my exhibit to you I have provided copies of the 1982 Act. The first item under Equality Rights is Article 15 which spells out the rights of a wide variety of people without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. That is in Article 15. Then Article 28 is equality before and under the law, and equal protection by the law. That is what the marginal entry for Article 15 is.

Then Article 28 states: "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons." I do not think that anyone looking at the copy of the 1982 Constitutional Act could inadvertently omit those provisions. I think that there is an agenda in them being omitted, and I take note of the legal precedents cited in sources such as Mrs. Mallee's article. I think that there is possibly a hidden, possibly even a deliberate attempt to weaken the rights in the Meech Lake Accord. I think that there is a very simple way to counter this agenda, if it is an agenda.

1. Refuse to ratify the Accord until changes are made by the federal Government and the other provinces. As a part of your report, spell out a time schedule for these changes to be made.

I, with my limited knowledge of the legislative process in Canada, would think they would have to be started to be made by about July 1 of this year.

This latter step would reinforce the perspective that Manitoba has no intention of endorsing the Accord until such changes are made.

I would also draw your attention to an article by Chris Varcoe in Brandon today which is called "Women seek Guarantees." In this article he outlines the work done by the members of the coalition, etc., and particularly

to the role played by rural women on the Prairies to establishing the basic rights of women and the equality of rights of women in relation to men in Canada.

There is one particular point that I would like to note in this relation, is that one of the methods used to argue the case for these rights was the use of political satire in the form of skits. As I was doing the research for this presentation, I couldn't help but note how well some of the boys at the Meech Lake meeting fit into the characterization of Sir Rodmond Roblin by Mrs. McClung and her friends. Also, I think there was another one in the late 1960s, 1970s, the cases were coming up for property rights on the dissolution of marriage.

One of the noted cases was an Albert's farm woman. I believe her name was Irene Murdoch. The way that the dialogue was carried out on the Prairies advocating that people reaffirm their rights in the light of the court decisions that were coming out in this case was a skit called "Balloon Lady." You needed the properties for this skit. You needed a table like this and some chairs, and a bunch of women drinking coffee. You also needed about a dozen balloons inflated. The Irene Murdoch character reported her happenings and experiences to the other girls, and as each one of the rights which she thought she had went up in smoke in the court process, somebody would pop one of these balloons. Now, my thinking is that if we do not see an agenda to ensure that these rights are in the Meech Lake Accord or any other Accord that brings Quebec into the Constitution, I think that we can pop an awful lot of political balloons within the next year, and that is my presentation. Thank you.

Mr. Chairman: Thank you very much, Miss McFadden. Do not leave. Are there any questions to Miss McFadden? Thank you very much. Are there any further presenters from this evening or walk-in spontaneous presenters this afternoon?

Ms. Myrtle Armstrong (Private Citizen): I am Myrtle Armstrong, I am just private. I have spent several visits to Quebec. My son-in-law who was in the bank down there was one of those transferred without his staff because of the language Bill. I was down there at the time the Bill was passed and heard Mr. Bourassa on the hotline, and when I heard him it really gave me a bad feeling that—he was trying to make Quebec a colony of France was the way I felt. He did come out and say that it was a privilege for the Anglo imperialists to be able to speak English in Quebec.

There was a French woman came on the hotline. She says, you and your Bill 101, I will speak what language I like, and he said, you are not a Quebecer. She says, I am a Quebecer and a Canadian. He said, you will not get a job. She says, I have a job. This went on and there were some other replies and he said, oh, in Ontario that they would not be able to get French lessons and so forth. A man came on, he says, I do not like the way you talked to that woman. He says, you can get French schooling in there because, he says, my son is going to one, and he says, when this program is over, he says I will come and get you and take you and show you. At that, Mr. Bourassa went off the air.

However, with the language down there, they do bring up about Manitoba not having French. But in Manitob,

we have never had police go around and tell a church to take down the language signs that they have in the front, which has happened in Quebec. I know because my daughter went to that church and she says that they had some English signs up and the police came along and make them take them down. She was also a volunteer in one of the more English-speaking hospitals and when they knew there was any authority coming around she says, get those signs down and quick.

There are other things came up. My son-in-law was saying with the bank, with the papers that they had to have translated, it cost \$1,000 a page at that time, and that literature had to be sent over to France to be translated. By the time it came back, it was out-of-date.

I have spoken to Italians who said when they came over they could speak three languages. But they said when they had this problem with the St. Leonard's schooling down there, they said we came over here to be Canadians. We want to learn English. French comes easily, but we want to become Canadians, and they were not being allowed to.

I have spoken to French people, who said it is an advantage for them to be bilingual and most of them are. I have also talked or my daughter has talked to people who are French, and she says there is one family there that said we will not speak French in our home anymore after that Bill. But we have also spoken to people who are down there who dealt at stores for five years in English and when the Bill came out they refused to wait on them.

* (1620)

I was through Quebec last summer and getting away from Montreal we went into restaurants where they did try to serve us in English. There has been a feeling of animosity because of this Bill, which is too bad because I was down in Quebec before that Bill was passed and gone into villages where there were only French people. We would go in to buy something in the store and they would smile and try to make signs, and we would make signs back and smile at each other. We finally got what we wanted, but it was all in good humour.

Another thing is on women's rights. When our family was moving down there, the lawyers warned them for my son-in-law to make sure that he wrote out a paper giving my daughter privileges because if she would want to go in the hospital if he was out of the town or away, she would not be allowed to be even entered into there. There are legal things like this, and while I was down there, it came out on the newspaper a big article with pictures of a girl who was getting married. She said that she would have to take her maiden name when she got married because they would not allow her to take the husband-to-be's name. The only way she could do that to get married, under his name, was to give up her birthright.

I asked someone else about this and he said, yes, this is true. The only way they could do it is to go in through the legal angles of going through and having their names changed afterwards, so that women's rights

down there are not the best. I do not know whether that has been changed since, but I am very strong on legal rights as far as language goes. What is language but a form of communication?

I was talking to somebody who came over from Saudi Arabia. He says over there they ask them to speak in English because they want to learn English because they figure it will be the universal language. Apart from that, we do not know what the language will be that will be universal, but hopefully the time will come when everybody will speak more or less the same language so there will be more communication. But for ethnic groups, I am all for it because I think it gives a colour to our culture. Here in Manitoba, I think we should maybe broadcast more about Manitoba, the freedoms we do have here, because you can put up a Chinese sign or a Ukrainian sign and nobody is going to come along and say, here, you get that down or else.

So I think that we should be firm on this Meech Lake. Have the amendments before it is signed because, if we do not, I do not think Mr. Bourassa will let them change it afterwards. So I say, freedom for us and for all ethnic groups.

Mr. Chairman: Thank you. Are there any other presenters? Then we will adjourn until 7 p.m. this evening. Thank you very much for coming this afternoon.

RECESS

* (1900)

Mr. Chairman: Good evening, ladies and gentlemen. If you were here this afternoon, welcome back to our evening session of the public hearing, Manitoba Task Force on Meech Lake. If you are new this evening, welcome for our evening session. I am Wally Fox-Decent, Chair of the Task Force. I would now like to introduce the Members who are present this evening with me, and they will rise and be acknowledged as I call their name.

The first is the Honourable Gary Filmon, Premier of Manitoba, Member of the Legislature for Tuxedo; next, Mrs. Sharon Carstairs, the Leader of the Opposition in Manitoba, Leader of the Liberal Party, Member for River Heights; the third is one of the two Members of the Legislature for Brandon, Brandon West, the Honourable Jim McCrae, Attorney General of Manitoba; the fourth Member of our team this evening, Mr. Gary Doer, the Leader of the New Democratic Party and the Member of the Legislature for Concordia; the fifth Member, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and the Member of the Legislature for Fort Rouge; and finally, ladies and gentlemen, Mr. Harold Gilleshammer, the Conservative Member of the Legislature for Minnedosa.

As I am sure most of you know, our purpose in being here is very simple and straightforward. We have come to listen to the people of Brandon and those who have come to the meeting in Brandon from outside this fine city, listen to you on the subject of the Meech Lake Accord, your views, your opinions, all of which will be

carefully considered. You do not have to give us written presentations. Some choose to do that along with the oral presentation. We are pleased to receive both or either.

The rule for speaking, a 20-minute time frame is allotted. After 15 minutes, you will hear a bell which means you have five minutes left. The second bell indicates that your time has expired, following which there may be questions from the Task Force to you, which will last for a maximum of 10 minutes.

You will notice that we have an interpreter for the hearing impaired this evening. We also have amplification devices for those who have hearing impairment. We would be delighted to provide those if you wish. May I just have an indication if anyone needs the use of sign language, just by a simple show of hand if you will, please. If not, then we will ask Ms. Carothers to join the audience and relax. I think we are all right.

Now, this evening's first presenter is Mr. Don Esler, representing the Christian Heritage Party, the Lisgar-Marquette Riding Association. Sir, please proceed. Thank you for your written brief.

Mr. Don Esler (Christian Heritage Party, Lisgar-Marquette Riding Association): Thank you, Mr. Chairman. Esteemed Members of the committee, on behalf of the Christian Heritage Party, Riding Association of Lisgar-Marquette, I thank you for the opportunity to present our position in this brief.

The Christian Heritage Party's opposition to the Accord is prompted by the party's deep love for the Canada we have known for 122 years, and the Canada we feel is undergoing a transformation constitutionally which has neither been mandated or desired by the people.

There are four areas of concern on which we base our opposition to the Meech Lake Accord. I will briefly describe each of the four areas, followed by an in-depth discussion on each.

The first area is the "distinct society" clause is not required as an amendment to the Canadian Constitution. Prime Minister Brian Mulroney has cited that the "distinct society" clause is justified as special treatment to bring Quebec back into Confederation. Mr. Mulroney's claim is not based on constitutional development and is a trifling with historical truth.

Quebec at no time whatsoever in its entire history possessed sovereignty and the power to bestow or withhold any constitutional right or power, or to claim exemption from all or any part of the provisions of the Constitution of Canada. Quebec already is a full participant in Confederation.

The second concern, the Meech Lake Accord will lead to fragmentation of Canada's political and judicial systems. Many areas of responsibilities of the Meech Lake Constitution are ill-defined or undefined and divided amongst the various levels of power, which will lead to a condition of stalemate and paralysis. In a time of national crisis, whether it be economic, social or political, prompt decisive action by a united nation would be virtually impossible.

The third concern, the Meech Lake Accord is remarkably silent in respect to two areas of fundamental importance. The first one is individual rights, and the second one the right to private property. The proposed Constitution gives the individual citizen little or no status as an individual. Recognition of the individual can only be achieved through some grouping, which provision is made—an example, a linguistic (sic) group or a cultural group.

Secondly, the omission of private property as one of the essential rights of the Charter of Rights and Freedoms of the Constitution Act of 1982, and again the omission of property rights in the 1987 Constitution Act, the Meech Lake Accord, raises suspicions of the socialistic, collectivist bias of the framers of both pieces of legislation.

No. 4, the founding forefathers of Confederation recognized that men and institutions of a nation remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law. With the introduction of the 1982 Constitution Act, biblical absolutes are no longer considered in the formulation or interpretation of laws in this country. The preservation of a free democratic society is dependent upon its ability to distinguish between right and wrong. The Meech Lake Accord does not address this inability.

* (1910)

Now to the discussion, the "distinct society" clause, the first concern, allowing Quebec into the Constitution and ending its constitutional isolation is a great distortion of historical and constitutional facts. Quebec's place is the same as that of every province, as defined in the Canada Act of 1982, with all the responsibilities of that position. At no time has Quebec or any other province possessed sovereignty, the right unilaterally to determine whether it would or would not be subject to all or any part of the Constitution.

From 1604 to 1763, French Canadians were subject to the absolute sovereignty of the French crown. In 1763, the Treaty of Paris gave French Canadians an ultimatum. Sell their estates and take free passage of their effects and their persons back to France or accept British citizenship, British laws, language, education and institutions. Some 4,000 to 5,000 people availed themselves of the opportunity to emigrate back to France. Of the 43,000 French Canadians who remained, their unanimous acceptance of their new political, legal and social status is still binding on their descendants.

Quebec's rejection of Rene Levesque's referendum of sovereignty association of 1980 is a present-day example of confirmation of French Canadian allegiance to the Dominion of Canada.

From 1763 through to 1867, all British Colonies including Quebec were subject to the sovereignty of the Imperial Parliament in accord with the British Constitution.

In 1867, the British North American Act conferred autonomy, complete domestic self-government upon Canada, and divided that autonomy between the Dominion Parliament and the provinces. The Act divided

the powers between the Dominion and the provinces, and any area not specifically mentioned fell within the Dominion jurisdiction, as the provinces are in a subordinate position to the Dominion.

In 1888, the British Government ruled that constitutional amendments are the jurisdiction of the Dominion Government, not the provinces. Thus, an amendment to the British North America Act does not require assent of all or any of the provinces. The Supreme Court of Canada in 1980 upheld this 1888 Imperial Parliament decision of Great Britain.

Not until the 1982 amendment, the Canada Act, the final Act of the Imperial Parliament in respect of Canada, did any of the provinces receive any share in the exercise of sovereignty, the right to participate for the first time in amendment of the Constitution. Section 38(1)(b) states that at least two-thirds of the provinces representing at least 50 percent of the population is required for approval, thus, a privilege which Quebec shared but not exclusively. The fact that Quebec has not signed the 1982 Constitution Act is irrelevant. Special privileges such as a "distinct society" clause to Quebec is not required as Quebec is a full participant of Confederation.

The second concern is the fragmentation of power leading to stalemate and paralysis in a political and judicial system. I have listed eight different illustrations that will lead to the conditions of stalemate and paralysis. The first one:

- (a) The provinces already control natural resources, corporations, contracts and labour legislation. Under Meech Lake Constitution, they will add control of the Senate, the Supreme Court, immigration and an absolute veto over all future important constitutional changes. In short, political power in Canada will be divided 11 ways and proportionately weakened. One province, by using its veto power, can nullify the desires of any province singly or collectively, thereby denying the elected representation of Parliament and the numerous Legislatures the ultimate power of amending the Constitution.
- (b) The formal entrenchment of the First Ministers' Conferences has in effect created a fourth level of Government which will supersede the majority decision of Parliament, each with, as priority, their own selfish interest demands and a secondary interest to the overall welfare of the Dominion.
- (c) Constitutionally established contracting by the provinces of national schemes violate a fundamental principle that taxing authority should also be spending authority. Quebec's demand to retain the right to opt out of any national program in the area of health, education, welfare, etc., but maintain the allotted share of federal money with the freedom to spend as desired jeopardizes the future of all universal programs. This right is extended to all provinces.

- (d) By providing, in effect, for provincial appointment of Members of the Senate, the consequence will be that future senators will reflect the philosophy of the provincial Government in power at the time of the appointment. Such appointments will neither enhance nor improve the present situation, where loyalty to the Party takes precedence over equal and effective representation in the Upper House.
- (e) The Meech Lake concessions on immigration are contradictory and will make a just administration of immigration policies almost impossible to enforce.
- (f) The Meech Lake Accord will further erode the sovereignty of Parliament and the impartiality of the jurisprudence and justice by the provision in the Accord allowing provinces to appoint judges to the Supreme Court by nomination.
- (g) The lack of definition in respect to treaty-making powers conceivably will result in Canada's future inability to conclude international treaties in some areas.
- (h) The Supreme Court of Canada will be swamped with requests for interpretation of all present laws in light of the new "distinct society" clause, effectively paralyzing the function of the Supreme Court.

3) Individual Rights and Property Rights.

- (a) The Meech Lake Constitution implicitly recognizes that a multilingual and a multicultural society cannot exist within a single, undifferentiated constitutional framework. In other words, in such cases there must be special privileges for all and equality for none. Under the proposed Constitution, the individual has little or no status as an individual but will achieve recognition only as he or she can be embraced in some grouping for which provision is made.

The Meech Lake Accord will establish and entrench two separate societies in Canada, but its imperative mandate is to preserve and promote only one of them, the distinct French Canadian society.

- (b) Private property—secure, individual, private property is essential to freedom from fear. Without the security of inalienable private property, the individual and the family are open to coercion and deprivation and must live in fear of such consequences. Insecurity of habitation and inability to save up personal resources both make the individual and the family abjectly dependent upon the Government for their well-being and fearful of any change which might conceivably jeopardize survival.

The reinstatement of the constitutional guarantee of the right to own and enjoy private property

by the individual must be allowed to pass before future constitutional reform, such as the Meech Lake Accord, can be contemplated.

4) Moral and Spiritual Values.

Turning away from biblical absolutes in political decision-making by the Constitution Act of 1982 will ultimately lead to the destruction of the Judaeo-Christian understanding of truth, reality, time and eternity emerging from the Bible, the essentials required for a truly free, democratic nation. In this view, the preservation of institutions, such as the common law based on Holy Scripture should be more than mere habit or expediency, but a moral duty. The Meech Lake Accord, rather than supporting Judaeo-Christian principles, will only perpetuate the humanistic thought system of the 1982 Constitution Act.

* (1920)

The Supreme Court of Canada, in the fall of 1982, ruled that the preamble of the new Charter of Rights cannot be used as the reference point for the formulation of new laws or the interpretation of old laws. The preamble of the Charter of Rights is as follows, and I'll quote: "Whereby Canada was founded upon principles that recognize the supremacy of God and the rule of law."

This court decision led to striking down as unconstitutional the Lord's Day Act. The viability and security of a free, democratic nation is dependent upon its ability to distinguish between right and wrong. By removing all references to scripture for the formulation and interpretation of all laws will place this democratic nation in peril.

The reinstatement of the recognition of the supremacy of God and His laws as the reference point for the formulation and interpretation of laws must be allowed to pass before future constitutional reform such as the Meech Lake Accord can be contemplated.

In conclusion, the Meech Lake Accord, if enacted, will reverse every major objective of our Fathers of Confederation as expressed in the preamble of the British North America Act.

The Christian Heritage Party believes that the Canadian Dominion should be greater than the sum of its provincial parts.

We believe that the individual minority rights of Canada should be protected against the collective rights of a distinct society.

We believe in the fundamental principle of Government that taxing authority should match spending authority.

We believe the 11 First Ministers should not have the power to change behind closed doors our fundamental law, namely, the Constitution.

We believe the Senate should be reformed to reflect the original intent of the Fathers of Confederation, namely, to protect the regions against an overbearing central authority.

We believe all provinces should exercise the same powers and that no one province should have special

legal status which entitles it to exercise important powers not available to other provinces.

We believe, before future constitutional reform can be implemented, the Constitution Act of 1982 must be amended to invoke the basic fundamental intent of John Diefenbaker's Bill of Rights of 1960, namely, the guaranteeing the right of ownership and enjoyment of private property by the individual citizen, and the recognition of Judeo-Christian principles as being the reference point for formulating and interpreting law.

We make this submission respectfully to the Canadian people in the hope that it will contribute to reaching the best decision, serving the preservation of Canada as a nation glorious and free.

Thank you.

Mr. Chairman: Thank you, sir. First question from Mrs. Carstairs.

Mrs. Carstairs: Thank you for your presentation. I would like to just ask a question about the private property rights. Do you anticipate or do you believe that such rights would be subject to Government expropriation, or do you think there should be no limits whatsoever on the individual's right to hold private property?

Mr. Esler: There is a difference between expropriation, say, with compensation versus expropriation without compensation. I will make a reference to a Private Member's Bill which was introduced into the House of Commons on May 2, 1988, known as M8. It was introduced by a Conservative Member of Parliament from Kitchener, Ontario, by the name of John Reimer. His main concern was that by removing our constitutional guarantee of the right to own property, you are setting the scenario that will make it possible for our Government in the future to nationalize all private property without compensation. Mr. Reimer made reference to Murphy's Law. Murphy's Law goes something to the effect that if it is possible for something to happen, it will happen. Mr. Reimer is suggesting, let's get our constitutional guarantee of the right to own and enjoy private property back into the Constitution before it does happen.

Mrs. Carstairs: I just would like further clarification. You are saying that you have to have the right to private property. With that, I completely concur. The Bill of Rights, as you know, did not protect private property because it was simply an Act of Parliament that could have been overshadowed by any further Act of Parliament. What you want to see entrenched then is the right to private property, but are you willing to have that right limited by the right of Government to expropriate with compensation?

Mr. Esler: Yes, that way would be fine.

Mrs. Carstairs: Okay, thank you.

Mr. Chairman: Any other questions? Thank you very much, Mr. Esler.

Our next presenter is Mr. Ross Martin, representing the Brandon and District Labour Council. Thank you, sir. (Interjection)- With pleasure, if we can. Can we improve the volume in the back chamber? Good. There are some good front row seats here too if you would like to have them, free of charge, right up the front. Right, sir, we are ready for your presentation. Thank you for your written brief. Please proceed.

Mr. Ross Martin (Brandon and District Labour Council): Thank you, Mr. Chairperson. I would like to take this opportunity to thank the Manitoba Legislature for the importance that it has placed on this Task Force. It is not often you see the Premier and two Premiers-in-waiting at the same table, so I thank you for that. In all seriousness, though, I think it is extremely important that all the Parties are involved in this process, and we do certainly appreciate it.

The Brandon and District Labour Council welcomes this opportunity to present its views to this Task Force on the Meech Lake Accord. We sincerely hope that this Government will not proceed as did the Governments of Ontario and Prince Edward Island who had already decided to pass the Accord before any public hearings took place.

We believe that the Meech Lake Accord should not be approved as is. We believe that the Meech Lake Accord should not be amended. We believe that the Meech Lake Accord should be burnt.

It is a seriously flawed document that will destroy our nation. The bottom line is—

Mr. Chairman: Could you just stop for a moment, sir? I would just say to the audience very gently, if I may, that we really would prefer that you reserve any display of enthusiasm or of whatever until the end of the speaker's comments. That is fair to everybody and it allows us to most expeditiously get on with our business. Carry on, sir.

Mr. Martin: The bottom line is, do we want Canada to be a nation with 10 provinces and two territories or do we want 10 countries, two territories and a so-called federal Government without any power? We believe that we need a strong federal Government to hold this nation together.

It is hard to understand why the Prime Minister is so eager to give away federal powers to the provinces, especially Quebec. It is even harder to understand why the Premiers would be so short-sighted as to the future of our country. It certainly highlights the lack of intelligence of the people that we elect to supposedly represent us. We are suspicious that the Prime Minister has a secret agenda, an agenda where the federal Government can opt out of national programs because the provinces have opted out through the provisions of the Meech Lake Accord. It is hard to tell what this Government has up its sleeve but it is strange that the Prime Minister insists that the Accord cannot be amended or rewritten. This federal Government cannot and should not be trusted.

* (1930)

We also appreciate the fact that the federal Government is trying to bully the Province of Manitoba into approving the Accord without any amendments. They will exert enormous pressure through blackmail by holding back payments and refusing to sign other agreements. The province can be expected to be blamed for all sorts of things, but the province must stand firm against the onslaught, and the recent election in Newfoundland is a perfect example with Crosbie running around and telling them that they better play ball. That is outright blackmail.

We believe that the "distinct society" clause is ridiculous. "Distinct" means separate. Why would we want this in our Constitution? In addition, this wording appears to give Quebec special powers at the expense of the federal Government. Even Bourassa admitted that he would not have had to use the notwithstanding clause of the current Constitution to trample on English-speaking Quebecers if the Meech Lake Accord had been in effect. How many more powers does this wording give the Province of Quebec?

We believe that Senate reform will never take place if the Meech Lake Accord is passed. While the best reform for the Senate is abolishment, there are possibilities that it could serve a useful purpose rather than being a political junk yard. With Meech Lake in place, Ontario and Quebec would have half the Senate appointments. Does anyone in their right mind believe that they will give up this influence and power so that western provinces can have more power? The Triple E Senate will never come into effect if this Accord is passed.

The Accord also gives Quebec far more influence in making Supreme Court appointments than the other provinces. The Accord also gives the provinces more collective power to make appointments than the federal Government. Do we really want our Supreme Court appointments to be based on politics, or do we want the appointments based on merit?

The Accord also guarantees an infinite series of constitutional conferences, whether or not there is anything to discuss. It will surely invite constitutional tampering, leading to further erosion of federal powers. If this Accord is an example of the results of a constitutional conference, they should be abolished, not guaranteed.

We believe that this Accord also threatens national shared-cost programs. It appears to allow provinces to opt out of programs but still to collect the money and spend it on something else. If this is the case, then it would only be a question of time before each province would be going in a separate direction. The federal Government would then have just cause to terminate the funding. Does this Accord affect the national health care system or the Canada Assistance Plan, or the regional economic development, or will it only affect new national shared-cost programs like child care? Does it really matter? Why should we put any national shared-cost programs, present or future, at risk?

In addition, it appears that the Accord gives the provinces a veto over any constitutional changes. The stupidity is overwhelming. If a new province was to be

created, Prince Edward Island could veto it. Creating a new province should be the sole responsibility of the federal Government.

We are also against the Accord because we believe that the protection afforded women and aboriginal people, as laid down in the Charter of Rights, is undermined. We also suspect that there are other areas that will weaken our country, but we do not have any legal or constitutional expertise. Others do, and many have been anything but kind towards this despicable legislation.

The Brandon and District Labour Council asks that you, as a Task Force, recommend to the provincial Government that they do not pass this Accord, a parallel Accord or any likeness. Hopefully, they will have the political will to stand up for Canada and Canadians. Thank you.

Mr. Chairman: Any questions to Mr. Martin? Thank you very much, sir.

Mr. Martin: Thank you. I am sorry I have to leave, but I have another meeting to attend to.

Mr. Chairman: The next presenter is Mr. John Wright. You are appearing as a private citizen, sir?

Mr. John Wright (Private Citizen): Yes.

Mr. Chairman: Please proceed when you are ready.

Mr. Wright: Mr. Chairman, ladies and gentlemen of the Meech Lake Task Force, the Meech Lake Accord is not, in its present form, worthy of consideration by any elected Assembly in our country. My initial assumption was that Meech Lake should be scrapped. It is so poorly planned and written that it lacks reason. However, two statements, one by Mrs. Carstairs and the other by a speaker at a previous hearing, gave me a new perception on a second Accord. Mrs. Carstairs said in effect that if we use a parallel Accord it will give Manitobans a chance to present their views to the rest of Canada. The other speaker, I believe it was the chairman of the Meech Lake Committee of the Winnipeg Chamber of Commerce, referred to not specifically a parallel Accord but to a Manitoba Accord. I like the idea and I thank you both.

Canada is a democracy. When I started analysing the Meech Lake Accord, I tried to visualize what democracy meant to me. I went to the Encyclopedia Britannica for help. It says: "There is a belief in democratic countries that all men are created equal. The result of this belief is that democracy is not reconcilable with any form of special privileges and aristocracy based upon birth or even wealth, military rank or intellect." It also means that they shall enjoy equality of opportunity and have the same rights. I ask you, try and reconcile that belief to Meech Lake or Quebec's Bill 101.

Prime Minister Mulroney claims that the Meech Lake Accord must be signed to bring Quebec into the Constitution. It seems to me that, if Quebec isn't in the Constitution, then someone should try to find

enough courage to tell Mr. Bourassa to consider his actions.

The Supreme Court of Canada decided that Quebec's Bill 101 was unenforceable. Mr. Bourassa immediately imposed the notwithstanding clause that was included in the 1982 constitutional change.

Question: Since Quebec did not sign the 1982 constitutional change, presumably causing it to be not applicable to the Province of Quebec, how could Mr. Bourassa impose the notwithstanding clause and get away with it, or did he get away with it because it is law in Quebec and it does not matter whether or not Quebec signs the Constitution?

If the Meech Lake Accord is passed, it will be a fatal blow to the freedom of Canadians. We will be in danger of losing our freedom of speech, our freedom of mobility and a workable health care plan. Canadians would likely lose the safety net Canada has devised to try to help those who are in trouble, and all in the name of economics.

For those in doubt, look at Quebec. Where is the freedom of speech and the right to an education in the language of your choice. Look at tomorrow's Alberta where Texas-style hospitals could turn away the uninsured. Look at the weaker provinces. What will the educational standard be if the shared-cost programs are changed? Where is the Triple E Senate? The ransom Canadians are expected to pay for Quebec's signature on the Constitution is Meech Lake. What will the ransom be for the Triple E Senate?

These challenges to our basic freedoms will come from Mr. Trudeau's notwithstanding clause which says, I don't have to do it, and Mr. Mulroney's opting-out clause which says, you don't have to do it and we'll pay you. If this is leadership, then God help Canada.

When you change the Constitution, you change it for tomorrow, not yesterday. If we are to see the actual effects of Meech Lake, we must look at its effects some time in the future. It may be acceptable today but a disaster tomorrow. I am going to try and demonstrate in words the results of Meech Lake 100 years from now, the world of our grandchildren. Assume you are all grandparents. Some are. There is no intent to be facetious. I am deadly serious.

Let's assume four things: 1) Meech Lake Accord is passed; 2) it is the year 2100 (about 100 years from now); 3) there has been severe civil unrest in eastern Canada; and 4) there has been an economic shift that created obsolescence in the industrial belt of Ontario and Quebec. It resulted in a mass migration of the population.

The population of select provinces is: Quebec, 3 million; Ontario, 3 million; and Manitoba, 3 million.

There has been a redistribution of parliamentary seats throughout Canada. However, because of the application of Meech Lake, our country no longer has representation by population. The Senate seats are set by the Constitution. The dream of the Triple E Senate died when Meech Lake was passed, a victim of the unanimous amending formula.

* (1940)

The actual representation of each province is—remember, Manitoba, Quebec and Ontario each have a population of 3 million. Quebec will have 24 Senate seats and 24 seats in the House of Commons; Ontario, 24 Senate seats and 24 seats in the House of Commons; Manitoba, only six seats in the Senate and 20 seats in the House of Commons. Quebec's and Ontario's parliamentary seats are set by the Constitution. The Meech Lake Accord changed it in 1989. Manitoba's seats are set under representation by population.

Remember it is the year 2100. Take special note. Our country no longer has representation by population, nor does it have representation by region. The Meech Lake gave Quebec and Ontario the one power they didn't have before, the power to lock in permanently all powers previously acquired under the British North America Act and all subsequent changes. Canadians have given Ontario and Quebec complete control of our future forever, and obviously they are not about to give it back.

Remember, a constitutional change is for tomorrow, not yesterday. Look at its potential effects before you rush to sign a document.

I read all the material I was able to acquire on the Accord several times looking for a reason to have a constitutional change. I found none. I have heard idle prattle from our federal Leader about bringing Quebec into the Constitution. I may be naive but Quebec is a province of Canada and has been since 1867. Their failure to sign the 1982 constitutional change creates a moral and social issue, but not a legal problem.

As I read the amending formula, Section 41, it gradually started to appear as if there was a plan. I ask myself, what does it do? I had to answer. If Meech Lake is passed, it freezes permanently all powers previously acquired and protects Quebec's and Ontario's current and future interests. They will always control our country's future. It is their insurance policy against future change.

Under Meech Lake, Ontario and Quebec will retain 24 seats in the Senate. They acquire, under Meech Lake, a guarantee of not less than 24 seats each in the House of Commons. It assures Quebec that they will have an unchallengeable right to directly appoint three Supreme Court judges forever. It freezes the boundaries of all provinces; it prevents the territories from becoming provinces.

Meech Lake guarantees that Canada will go into stagnation, accompanied by the childish bickering between the so-called Francophones and Anglophones. It is hard to be a Canadian when you don't consider yourself as belonging to either one of these two arrogant groups.

Canada has survived by the grace of God. If we had been left on our own, the name "Canada" long ago would have been removed from the maps of the world.

I want to show an example of what has passed as leadership in the last 70 years. Sir Wilfred Laurier and Sir John A. Macdonald had a dream and fought for

its values. After they left the public scene, our country has floundered in petty bickering and regional greed.

It was not the same for all Canadians. A young man left our house in 1940. He heard his country's cry for help; he offered his life. Jimmy loved his country and gave his life for it. We owe to Laurier, Macdonald and Jimmy a mature approach in the planning and fulfilment of their dreams and our country's destiny.

Let us look at the following events. They demonstrate the quality of our leadership.

The constitutional changes that occurred in 1982 and the attempt to make further changes in 1987 were signed under circumstances that appear under scrutiny to be, at best, full of deceit and trickery. Consider these circumstances.

In 1982, the constitutional change was signed in the absence of the Quebec delegation. We were told they were in bed sleeping. Our then Prime Minister, Mr. Pierre Trudeau, was and is a very bright man. Nevertheless, he expected us to believe it. I suggest that the Quebec delegation was not sleeping, but rather drinking champagne as they celebrated their victory, and they would likely pour a glass for the one that would come later.

The following information was derived from the Manitoba Law Journal, Volume 18-1. In the discussions on the 1987 Meech Lake Accord, the final two negotiating meetings were held with only the Prime Minister and the 10 Premiers in attendance. They negotiated without the advice of professional help. Their staffs, the constitutional lawyers, the economists, the accountants and other knowledgeable civil servants, hired by the electorate to give advice to the Government in power, were apparently, for all intents and purposes, banned from the meetings.

The Premiers, totally outclassed, talked into a power trip, probably signed the Accord without even reading it. They did the one thing that is never done in the diplomatic or political arena—they trusted their hosts.

Meech Lake has a clause that says: "the recognition that Quebec constitutes, within Canada, a distinct society." We could give the French Canadians the use of a limited "distinct society" clause to protect and maintain their cultural values and they could be proud and arrogant today, but tomorrow they would cry, for nature has one unforgiving rule: You must adapt or die.

The language of the world will not be English or French or any other known tongue. An international language is evolving daily by the assimilation of words and phrases adopted from every linguistic value in the world. As Canadians, we want to be part of this future, but we will not be given the opportunity unless we stop trying to resolve our problems by hiding them.

We put animals in the zoo; we put the Canadian Indian on a reservation; we put the Japanese Canadians in a concentration camp; and now we want to put the French Canadians in a distinct society. Will we never learn? We cannot lock our problems behind barbed wire or a cultural wall.

Canada is a nation of people, not animals. We all bleed when we are cut and speak the language we were taught at birth. We were not given the choice to be French, English, German, or Ukrainian, but we are given the choice to be a Canadian. As Canadians, we need the heritage of all our countrymen to add colour to the Canadian scene. We need their language to blend with ours and give us expression. We need their minds and abilities to build our nation.

We cannot afford the luxury of arrogance, bigotry and biased contempt for humanity to rule our country. Canada has a destiny and it belongs to the world. My ancestors left Europe nearly 200 years ago because they were unable to find a place to call home. They came to Canada.

Mr. Chairman, there are no more Canada's. We are the the world's last chance and we—you and I, the little Canadians—are at the controls. We cannot afford to function under rules created as a result of childish pranks and political deceit. We owe God, the world and ourselves a world that will come from the application of hard work, both mentally and physically, and above all else honesty.

The Meech Lake Accord has not one shred of any of the four basic requirements as set out above. It must be defeated. It is ludicrous to consider the form and application of the Meech Lake Accord clause by clause, for they are in many instances unworkable. Consider the immigration clause. How do you divide 150 percent of 100 bodies? It must be political abstract math that modern man has not yet learned.

The appointments to the Supreme Court by the provinces are possible today, an imposition on tomorrow, and a tragedy on the day after. When you plan a change, you look to tomorrow, not yesterday.

I examined the amending formula. The mistakes in prior clauses of Meech Lake could, if you had a warped sense of humour, have been regarded as a clumsy attempt at being funny. The amending formula was not a mistake. It is the reason for the Meech Lake Accord. Upper and Lower Canada have been resurrected. Meech Lake will give them continued life and the rest of Canada will become their assistants and suppliers. Unanimous requirement for all major and future amendments is impractical and unworkable. It opens the door to blackmail and ransom demands.

Last week Mr. Wells, the Liberal Leader in Newfoundland, who said that in effect if elected he would threaten to withdraw their support for Meech Lake to force the federal Government to give Newfoundland indirect control of fisheries in their offshore waters. Note: This is the forerunner of many ransom notes that the federal and provincial Governments will be receiving if Meech Lake is passed.

Mr. Chairman, Canada's future is the concern of the world. We have, within our borders, Canadians who came from every country in the world. We are respected and relied upon to set an example. It is Canada that the United Nations asks first to be the watchdog over trouble areas. Our troops, the known world peacekeepers, are on the border of Iraq and Iran,

Namibia and South Africa, between the Turks and Greeks on Cyprus and many other places throughout the world. We are the world, its hopes, its dreams and, above all else, the protectors of peace. Canada is the world's last chance. We must fulfill our destiny, or the world will pay.

Mr. Chairman, the only conclusion I can come to, based on the information that was available, is that the Meech Lake Accord must be allowed to die. The parallel Accord is a good idea, but the inherent problems in Meech Lake are so serious and so dangerous to our country's future that we cannot afford to work with it.

Canadians have witnessed within the last three days two separate incidents that if they had occurred in a Third World country would have invoked anger and disgust in our country.

The statement by Clyde Wells, the newly elected Premier of Newfoundland, that they would rescind their approval of the Meech Lake Accord if it is not changed attracted the following retorts:

* (1950)

No. 1, two senior Cabinet Ministers of the federal Government warned of dire consequences if Wells retracts Newfoundland support for Meech Lake, and (2), Trade Minister John Crosbie threatened a downturn in Ottawa-St. Johns relationship if Wells tries to overturn Newfoundland support. John Crosbie, during an earlier interview also had said, "We'll play ball with them if they play ball with us. If they reopen Meech Lake, we'll have to reassess the situation."

In Nicaragua, during the only election they have had in many years, the Government on election day ordered armed troops to ride on top of tanks through the streets of their capital, Managua. This show of force could only have one effect. It would say, "We have the muscle; you had better vote accordingly or else."

Interference of this nature is not allowed in a democratic country, or is it? Canada, our democratic country, allows threats of retaliation by the federal Government on a provincial Government that does not vote approval of their actions. Do we have a democracy or is it a closet dictatorship? We have a young, fragile democracy. It must be protected and respected.

Our country has come to a fork in the road. It gives Canadians an opportunity to change their way. It will be a moment to think and look ahead at the rocky road we travel. We can see the stones and the potholes only get bigger, and if we look further down the road in the not too distant future, we can see a fire. Mr. Chairman, that fire is civil war. If we continue on the path we travel, we will see our towns and cities destroyed and we may also see our children die.

We can stop this madness. Canadians have a choice. We can change our direction, we can go the other way. The other way is rocky at the start and it is uphill for quite some distance, but if we look far enough ahead there is blue sky, and if we look even further there is a morning star to guide us into tomorrow. That star is our dream of Canada's future. Mr. Chairman, we do

have a choice. We can follow the Irishman down the Meech Lake road and risk creating another Ireland or we can follow our dream.

Mr. Chairman, I gave you a poem that I wrote when I was very angry, right when Meech Lake first came out and I request that you all read that carefully. It is a dream, it is an idealistic dream of a country that can be. We will never quite reach it, but if we always strive to get what is in that poem, then one day we may achieve some of those goals and we will have a great country worthy of respect from the entire world.

I believe that is all at this time. Thank you for your time and attention.

Mr. Chairman: Thank you. Are there any questions to Mr. Wright from Task Force Members? Thank you very much, sir.

The next presenter is Mr. Tracy Young. Is Mr. Young here? Mr. Tony Riley. You are appearing as a private citizen, Mr. Riley?

Mr. Tony Riley (Private Citizen): Yes, I am.

Mr. Chairman: Thank you. Please proceed.

Mr. Riley: Thank you, Mr. Chairman, and good evening, panel Members. I expect I should be thankful to have the opportunity to express my views on the Meech Lake Accord, but really it frightens me. It frightens me to know that the people who are in charge of looking after this country's affairs would even consider such a one-sided, destructive addition to the Constitution. It frightens me to know that stopping it depends on mass opposition to it.

There is nothing good about the amendment. It is a devastating cancer that must be squashed. This nation is composed of many nationalities. If we are going to give one minority special rights, we must give all others the same rights. If we are going to talk about heritage rights, then we should be all living under the Indian rule.

Our country seems to be plagued with an anti-Canadian element working overtime trying to stir up trouble where there was none. Once this idiocy gets going, the political Parties take it up just to get votes. We need honest Government that will put the welfare of the country first and foremost at all times. We need a Government that will say no to Quebec.

They must be told we are not going to allow them to drag us all back to the oxcart days to please them. They must be told to shape up and live as Canadians, move ahead with the times, cut the bigotry and adopt one official language, stop behaving like a spoiled brat. Only when we all look on ourselves as Canadians, think of ourselves as Canadians, will we act like Canadians. With that will come harmony and good will. That's the day we can honestly say we are one nation, Canada.

Quebec is so spoiled now it will probably be somewhat difficult to bring her around to an adult attitude. Rather than sending the army in, I would suggest cutting her off from all benefits and allowing her no privileges, no

special legislation. After a few years of pouting and falling behind while the rest of Canada prospers, I am sure she will be ready to live as one of us. On the other hand, if this fails, we should deport all dissidents.

To sum it up, it would be totally unacceptable for the rest of Canada to give Quebec the right to any of her demands as follows:

1. To be recognized as a distinct society would be a never-ending source of friction.
2. To opt out of national programs and expect to be compensated for it is more of the spoiled brat attitude of wanting something for nothing. If the program is good enough for the rest of Canada, it is good enough for Quebec.
3. Open-door immigration is hurting this country severely now. We certainly don't want a dual policy, whereby Quebec can funnel immigrants through their province out into the rest of Canada. Better we close the door to immigrants and refugees until such time as there are no abortions, and there is some evidence of sanity in the federal Government.
4. Quebec must not be allowed to plug the Supreme Court with three of their appointments. I thought the Supreme Court was for delivering justice, not favouritism. Selections should be one per province.
5. Veto power. This would be the final nail in our coffin if we allowed Quebec to have everything she wants in the Constitution. In the first round, she can simply sit smugly there like a frog on a log and deny the rest of Canada anything of benefit, a very good set-up to blackmail the other provinces. The veto power would maybe work on an all but two bases. We need a Constitution that is going to encourage all regions to develop, not one that will hamstring them. Not only must we throw this Accord in the trash bin where it belongs, but we had better include Trudeau's Constitution along with it. The people should write the Constitution that they want to live by, and not be forced to accept one written by dictator politicians. Those politicians who have been supporting the Meech Lake Accord should be charged with treason for working against their country, and then peace may return to us all.

Dutifully submitted by Tony Riley. Thank you.

* (2000)

Mr. Chairman: Thank you, Mr. Riley. Are there any questions from the Task Force? Thank you again.

Mrs. Everitt, Mrs. Annis and Mrs. Denton. Would you like to just nab the first chair there in the first row please? Are you appearing as private citizens?

Mrs. Donna Everitt (Private Citizen): Yes.

Mr. Chairman: Please proceed when you are ready.

Mrs. Everitt: Good evening, my name is Donna Everitt, and in this 20-minute joint presentation you will be hearing from me, along with Kady Denton and Mary Annis. We three individuals also represent the 135 other concerned people named on the petition before you. Many of them were unable to come tonight for various reasons of employment, child care and personal timetabling and were, therefore, thwarted in their efforts to attend.

We do, however, welcome this opportunity to speak to you this evening, and we wish to first make clear to you that we recognize the importance of bringing Quebec into the Constitution and we support this intent of the Accord. We believe, however, that in its present form the Accord jeopardizes the rights and freedoms guaranteed to us as women under the Charter of Rights. Now is the time for our voices to be raised, and we hope that you will listen sympathetically and recommend that the necessary amendments be made now, before the Accord is ratified.

We believe that we represent our children, our neighbours' children, our sister provinces' children, and your children, not to mention the future generations of yet unborn Canadian citizens, who stand to inherit the Canada we build today. It is important that the actions of today and the legal documents which we draft produce as perfect and unflawed a record as possible. This will be our legacy to the generations ahead. Now is the time! We cannot wait until after the Accord is ratified to make amendments to it—now is the time to make them. As you all well know, what is not precisely stated in law cannot be implied. If the rights and freedoms guaranteed to each of us under the Charter are not explicitly stated in the Accord, then we run the risk of losing those hard-fought rights. We ask that a provision be included which states that nothing in the Accord abrogates or derogates from any of the rights and freedoms now guaranteed to us by the Charter.

You know, it is hard to imagine that certain situations which we find impossible to accept today existed within recent memory in our country. For example, less than 70 years ago, women did not have the right to vote. Women fought hard for this right. Less than 60 years ago, women were not legally considered persons and were not, therefore, provided for under the British North America Act. Women fought hard for this recognition. Less than 40 years ago, certain employment opportunities were denied women and some women were discriminated against based upon their marital status. They were treated as second-class citizens. But great strides have been made by women to change this situation.

Less than 25 years ago, female full-time employees of many companies were not entitled to the same insurance benefits and pension rights as their fellow male employees. Women have been fighting hard for equality in the work force, and the struggle continues. Less than 25 years ago, children born abroad were granted automatic Canadian citizenship if only the father was Canadian, but merely granted landed immigrant status if only the mother was Canadian. Women demanded equal treatment and now receive it.

Less than 8 years ago, the rights and freedoms granted to some Canadians were not necessarily guaranteed to others. The struggle for the Charter of Rights was hard fought, and the present document prohibits against discrimination based on sex, race, ethnic origin, age, religion, mental or physical ability. Freedom from discrimination is thus guaranteed to us today by the Charter or Rights and we must not put these rights in jeopardy. We fought too hard to gain these rights, and we cannot lose them now.

The examples I have given you, along with more subtle forms of discrimination, may not have directly affected many of us, but the fact that some people were at some times in their lives faced with such discrimination should be of concern to all of us. Why? Because without the Charter of Rights, similar situations could occur again. This is why the Charter of Rights and Freedoms must remain paramount to the Accord. And this is why we, along with the many others who we represent, are here tonight and we ask that the necessary changes be made now, before the Accord is ratified.

In 20 years' time, I hope my one-year-old daughter will be able to look back and say, I cannot believe that less than 20 years ago the rights and freedoms guaranteed to me under the Charter of Rights were in jeopardy because of a hastily and poorly drafted constitutional amendment, known as the Meech Lake Accord. We do not know what our society will be like in 20 years or at any other time in the future. All I know is that I want for my daughter the same rights and freedoms that I would want for a son, or your children. Now is the time for the necessary changes to the Accord to be made. Now is the time.

I want to thank you for having this opportunity to speak to you, and I would like to present to you Kady Denton.

Mrs. Kady Denton (Private Citizen): My name is Kady Denton. I am a resident of Brandon. I am a taxpayer and I vote.

There are a number of Meech Lake Accord issues that concern me but there is one in particular and that concern is for equality rights. This means equality rights for women, for all.

I thought the Canadian Charter of Rights and Freedoms guaranteed the equality rights of Canadians, prohibiting discrimination on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical ability. So it came as a surprise for me to find out recently that while this is so—the Charter of Rights does still specify this, that one cannot be discriminated against for reasons that one cannot control such as age or sex—now the Meech Lake Accord has muddled the legal waters and these rights really are in question.

They are in question for several reasons. The Meech Lake Accord, by stating two rights, aboriginal and multicultural, in Clause 16 of the Accord and by avoiding any reference to other rights leads Canada into this murky legal issue. It is usual when some rights have been stated and others have not been stated for the assumption to be that the unstated rights are not included on purpose, that is, not rights at all. The

thinking is, if they had wanted them in there, they would have put them in there.

So where does this leave Canadian women and where does this leave Canadians? Apparently without guaranteed equality of rights. It simply is not stated anywhere in the Accord that there must be no discrimination for reasons of race, sex, age and so on.

Now, if the Charter were clearly the paramount document, this might not be of such concern, but this does not seem to be the case. In June 1987, the Supreme Court of Canada decided that the Charter of Rights could not make invalid provisions of the Constitution. So, it would seem that if the Constitution and the Meech Lake Accord expressly states, or in this case expressly does not state something, the Charter cannot override this. Again, where does this leave Canadian women and where does this leave Canadians? Apparently without equality of rights.

Well, now is the time to clarify this. We are not going to have much of a country championing human rights issues internationally, talking about the importance of the Helsinki Accord, if Canada itself does not hold equality of rights to be a fundamental cornerstone of our society. I suppose I do not really we should all have to be here. I wonder by what right did 10 provincial Premiers put the rights of all Canadians in jeopardy. Former Premier Hatfield said in a news broadcast about the Meech Lake Accord, "you really had to have been there." Well, that is what you say about a joke that's fallen flat and the Meech Lake Accord is not supposed to be a joke—you really had to have been there. Well, I was not there, none of us were. But we are here now, however, to say that this Accord is just not good enough. The omissions are very dangerous.

* (2010)

A statement regarding equality of rights is essential. Women need that, and we all grow old. Everyone is vulnerable at some time and in some way. I ask that the Manitoba Legislature hold firm on this for the sake of all Canadians. I think you are getting a clear message on this. Do not approve Meech Lake in its present state. Thank you.

Mary Annis.

Mrs. Mary Annis (Private Citizen): Thank you. Good evening. Mr. Chairman, Members of the Task Force. I welcome this opportunity to voice my concerns.

In the past few weeks, word has been spreading among women in Brandon and other cities and towns in rural Manitoba. There has been an exchange of information at coffee groups and evening meetings. Women have passed information on at nursery schools, day care centres, schools, and at work. Petitions have circulated and letters have been sent out to this Task Force. The concern is growing. Women are realizing they have a lot to lose if the Meech Lake Accord were to be passed as it stands, as it would override the Charter of Rights and Freedoms within which the clauses on equality rights and rights guaranteeing equality to both sexes are written. Women are realizing that now is the time to let our concerns and expectations

be known so that it would be possible to amend the Meech Lake Accord such that these hard-earned equality rights are paramount before the courts.

One part in the "Democracy" series by Patrick Watson describes very well the struggles Canadian women had in 1982 to have equality rights written into the Charter of Rights and Freedoms. It took just two sentences which, when written into the legislation, guarantee equality rights to all. We cannot stand by and have these rights swept away by polite "trust me's" and "don't worry" comments by pressured politicians working hard to meet deadlines. Why rush? This is our future, our children's future, and we must ensure that our legislation guarantees equality rights for all its citizens.

Indeed, recently we have been made all too aware of the continual need for women to remain vigilant, for it seems our law courts today are places where women may still have difficulty being accorded fair and equitable treatment. Recently, Manitoba judges have made statements in court during wife abuse cases to the convicted husband to the effect that a slap in the face to the wife would smarten her up, and another instance where a judge has moaned in apparent sympathy, again with the convicted husband, "Women, you can't live with them, you can't live without them."

Statements such as these made in courts are merely illustrating the fact that women's struggle to achieve equality is not yet over. It is for this reason that all women need to be concerned about legislation pertaining to their rights.

The Charter of Rights and Freedoms is a progressive document for women and has allowed Canada to move forward in many areas of equality rights and equal rights for both sexes.

However, now the Meech Lake Accord, in not containing equality rights clauses, is moving in the opposite direction to delete these guaranteed rights which were so hard won in 1982.

Looking back on our history, we realize that women in the past have had to struggle for the rights all women enjoy today. It was not so long ago that women on the Prairies fought for and eventually got the vote in 1917. It was prairie women who in 1929 had the Constitution changed to recognize women legally as persons, thus ensuring a woman's rights to the custody of her children and her own property. Prairie women supported legislation of social programs in the '50s and '60s, and prairie women supported the struggle for the equality rights provision in the 1982 Charter. Prairie women are now struggling to ensure that the Meech Lake Accord is amended to ensure that nothing in the Accord shall diminish the freedoms and rights guaranteed by the Charter of Rights and Freedoms.

Time has demonstrated that prairie women were right in their struggles in the past to achieve a measure of equality and now this is another such occasion. This is another piece of legislation which is important, not only on a provincial but also a national level. This is an issue which prairie women will once more be proven right when requesting legislation to ensure that equality

rights and equal rights for both sexes be in our legislation. Now is the time for prairie women to stand firm for themselves and other Canadian women who have not this opportunity, to ensure that this 1987 constitutional amendment, Meech Lake, is a document which will include equality for all our nation's citizens. Surely Canadians want a society that encourages and welcomes equality between all people, and so this must be paramount in our legislation. Meech Lake must be amended or a parallel Accord drawn up.

This is the end of our brief. We have been glad of this opportunity the Government of Manitoba has made to enable us to present our concerns and future hopes to the Task Force. Our concerns represent these 135 other people who have signed our petitions, and we know there are many other people in other provinces who have not had the opportunity to speak out about their concerns regarding Meech Lake.

Thank you.

Mr. Chairman: Any questions from Members of the Task Force? Ms. Everitt, I just had a couple for you, if I may, resulting from comments in your first paragraph where you comment on the awkward scheduling practices of these hearings. I wonder if you could tell us what we are doing wrong.

Mrs. Everitt: When we were first notified about the meetings, we wished to know as soon as possible when we could appear before the committee. We were told that our names would be drawn in a lottery, and at the time we drafted this before you. You will notice that when I gave my speech just now I did not include that we were thwarted in our efforts due to the awkward hearing procedures. I left that out and I changed it. But at the time we were given lottery numbers they told us, and they said that we would not know until the day before or the day of our meeting time. So I said to the woman on the phone, well, how is that possible to arrange for child care, or perhaps if you were a teacher how could you arrange for substitute teaching, and that sort of thing. She said, well, I am sorry, that is just the way it is done.

Then also when we found out that we had a seven o'clock appointment we mentioned this to the coalition, the Westman Coalition for Equal Rights in the Meech Lake Accord, and we felt that perhaps seven o'clock was perhaps a better time for them to present their brief. We mutually agreed that perhaps we should switch meeting times. We would take the ten o'clock in the morning, tomorrow morning, and they would take the seven o'clock this evening. We were told we were not able to alter them so we found it a bit frustrating to make certain times. That is why I added that in the beginning of the paper, but then I did not present it this evening.

Mr. Chairman: So does that mean I may strike it from the presentation, Mrs. Everitt?

Mrs. Everitt: Yes, formally, yes.

Mr. Chairman: I appreciate your comments. We have tried very hard to do things fairly, not always

successfully, not by any desire obviously to be unfair but by some difficulties. We thought a lottery would be the best way to choose names and I think it probably is the fairest way. We now of course are in a situation where people are being informed probably two days ahead that they are asked to appear either morning, afternoon or evening.

Also, I noted your comment about day care, but you do know, I presume, that we are providing day care facilities everywhere we go, so that people are most welcome to bring children and we will see that they are looked after.

Mrs. Everitt: I guess we were not aware of that for the first thing. Also, for many of us with young infants, it is not easy to find day care, even here. I mean, believe me, my one-year-old daughter would not have sat calmly with somebody here.

Mr. Chairman: Oh, but we have people who look after the uncalm as well as the calm, really. They are very, very good people.

Mrs. Everitt: I will keep that in mind the next time, but I hope there will not be an opportunity to have to express my views here tonight.

Mr. Chairman: I understand. By the way, the child care was advertised in all of the newspaper advertisements so perhaps you just missed that. I do not mean to sound defensive but I was curious as to why those comments had appeared in the first paragraph.

Mrs. Everitt: Right. Yes, they were in the written brief and I omitted them during the verbal brief.

Mr. Chairman: Thank you. Thank you very much indeed.

Mrs. Everitt: Thank you.

* (2020)

Mr. Chairman: Our next presenter is Mr. Lee Clark, Member of Parliament for Brandon-Souris. Is Mr. Clark here? We are expecting him this evening. The next is Mr. John Templeton. We will just be one moment, sir, and we will be all settled down and ready to listen to you with careful attention. I think we are ready. Please proceed and thank you for your written brief.

Mr. John Templeton (Private Citizen): Mr. Chairman, Members of the Task Force, I appear before you as a very concerned citizen of Canada and a resident of the Province of Manitoba. I do not pretend to represent myself as a constitutional expert, nor do I pretend to address all of the implications of the Meech Lake Accord. I do, however, wish to address what I feel are the serious shortcomings and the divisive provisions of the document.

I would like to begin by painting a verbal picture of the origins of the Meech Lake Accord. The Province of Quebec, having concerns about the 1982 Constitutional Act, has refused to become a party to

it and has not, to date, executed the document. In an attempt to resolve the Quebec situation, the Prime Minister, together with the First Ministers of our 10 provinces, embarked on a camping trip to Meech Lake in June of 1987. While sitting around their campfire, they attempted to resolve the problem of Quebec. Their solution was a concoction of a witch's brew, known subsequently as the Meech Lake Accord. The major ingredients, it would appear, were both supplied and mixed by the federal Government and the Province of Quebec.

They completed the brew on the 3rd of June, 1987 and attested to its curative powers with their signatures. It was agreed they carry great quantities of the brew to their respective Legislatures and to the Parliament of Canada. The brew was touted as the cure for all of Canada's present and future unity and constitutional problems.

The brew, however, was refused, at least to date, by the Province of New Brunswick and our own Province of Manitoba. These two provinces feared the side effects of the cure were far worse than the original ailment. In fact, on sober second thought, many of the original supporters of the cure have subsequently expressed the same view.

At this point, I would like to address some of the provisions of the Meech Lake Accord which I disagree with. I will do this in point form, firstly, the distinct society.

As a citizen of Canada, I believe it is my right to be treated, and to be considered, equal to all other citizens of our country. Canadians should and in fact must be equal from the Atlantic to the Pacific. The distinct society concept for Quebec opens a door for many and varied other special considerations for other groups and other provinces. The provisions of Para 1(3) is, in my opinion, open-ended. It allows the Province of Quebec unlimited scope to carry out whatever programs and policies they deem appropriate. This could, and I believe would, be used to provide the residents of Quebec with special status and special privileges. Their Government could have, and in some respects presently do have, special status in the international arena. If Quebec is part of Canada and if it wishes to remain part of Canada, then it must have no more or no less rights and privileges than any other province.

It is my understanding that the notwithstanding clause is part of the 1982 Constitutional Act. Quebec is not a party to the Act and has not ratified it. If the above is true, then how can Quebec use the notwithstanding clause to thwart the ruling of the Supreme Court of Canada? This seems like having your cake and eating it too.

Senate and Senate reform: Para. 12 deals with the amending of Subsection 47(1) of the Constitution of Canada. The amendment allows the Senate to sit on a piece of legislation for 180 days. There have been many pieces of legislation which must, for the good of the country, not be delayed for that period, plus the time required for re-enactment. We live in a world where on occasion action must be taken quickly. This brings into question the entire status of the Senate. Firstly,

is it required? If the Senate is required, should it be elected? Should it be equal as the western provinces seem to want? Should it be effective?

If the Meech Lake Accord is passed, it will require the approval of the Government of Canada and all 10 provinces to change the Senate. It is my opinion that such an agreement will never be reached.

Immigration: Immigration is a federal responsibility and must remain so. It must be recognized that once an immigrant becomes a citizen of Canada, then that person can migrate to and live in any part of Canada. It is, therefore, important that immigrants meet federal standards. The Accord has the effect of initially creating two countries, Quebec and the rest of Canada, with regard to immigration. In the future, we may progress or digress, depending on your viewpoint, to a stage where we will have 11 countries as far as immigration is concerned. This provision is divisive.

Judges: The Supreme Court of Canada is supposed to be completely apolitical. It is also required to be impartial and guard and protect the rights of all Canadians.

The Accord guarantees 37 percent of the positions on the Supreme Court to Quebec. Quebec represents about 25 percent of the population at present. This raises several questions. Firstly, why? Second, what happens if, for example, the western provinces grow in population to equal 50 percent of the Canadian population? The ratio of justices cannot be changed without unanimous consent. Can anyone envision Quebec at some future time agreeing to redistribute the justices' quota?

Would it not be a more realistic approach to allocate one justice per province? This would give the court a wider perspective. It would also provide two additional justices to assist in reducing the court's heavy workload. It seems to be an accepted fact that the work of the Supreme Court is increasing and will continue to increase. This suggestion may assist in reducing the delays of their decisions.

Shared-Cost Programs: The Meech Lake Accord, with regard to handling shared-cost programs, is simply one more divisive straw on the camel's back. It has the potential of increasing disparity between provinces and between regions.

Amendment of the Constitution by Unanimous Consent: If the Meech Lake Accord is passed into law, it will have the effect of freeing Canada's Constitution in its amended form. To believe that any proposed change would receive unanimous approval of the 10 provinces and the Parliament of Canada is simply wishful thinking.

* (2030)

Should anyone doubt the above statement, I ask that they consider the repatriation of the Canadian Constitution. Between 1867 and 1982, several attempts were made to bring our Constitution to Canada. Failure was mainly due to the lack of agreement between the provinces and the federal Government. We still do not have unanimity, since Quebec has not ratified the Act.

Had there been unanimity, this present exercise would not be necessary.

The Meech Lake Accord itself is a demonstration of lack of unanimity. The 1982 Constitutional Act was purchased by the federal Government. One of the costs exacted by Manitoba and Alberta was a notwithstanding clause. The inclusion of the notwithstanding clause and its subsequent use has been bitterly attacked by no less a public figure than our own Prime Minister. The use of the clause and its potential divisiveness was recently demonstrated by the Province of Quebec.

Agreement flawed: It is my opinion, for the reasons that I have outlined, that the agreement is fatally flawed. I believe that less than 1 percent of Canadians have read the Accord and understand its provisions. This situation must be blamed on both levels of Government for not causing the Accord to be published in newspapers across the country. If in fact it was published, I do not recall seeing it. I also believe that if a referendum were held on the Accord, it would be soundly defeated.

The approach to the flaws in the Meech Lake Accord by the federal Government and some provincial Governments is to pass it, then fix it. This approach is analogous to an automobile manufacturer producing a seriously flawed car, selling it to the public with a promise that it will be fixed later. The car, prior to being fixed, if in fact it is ever fixed, may kill or seriously injure the purchaser. The Meech Lake Accord may well kill or, at the very least, seriously injure Canada if it is passed.

If passed, the Accord will initiate a process which will tend to split Canada into 10 mini countries. Dissatisfaction with the effects of the Accord, the notwithstanding clause in the Constitution, the out-of-control national debt, the Quebec problem, the unnatural east-west trade and transportation alignment and other problems may combine and result in an untenable situation for Canada. Such a situation could cause Canadian provinces, especially in the East and in the West, to accept the only logical and viable alternative. I suggest to you that alternative is union with the United States of America.

In conclusion, I recognize that I have not touched on concerns that have been expressed by various groups, such as Native rights, women's rights, or entry of the territories into Confederation, as examples. It is my concern that we have a strong unified country. Without a strong and unified country, the concerns mentioned above, and many more, are meaningless.

I wish to take this opportunity to congratulate the Members of the Legislature of Manitoba for their approach to the Meech Lake Accord problem. I would suggest to the Premier of Manitoba that he allow all Members a free vote should the Accord be presented to the Legislature. This will allow Members to truly represent their constituents as opposed to following the Party line.

I thank the committee for the opportunity of appearing.

Mr. Chairman: Thank you, Mr. Templeton. Questions now from the Task Force. Mrs. Carstairs.

Mrs. Carstairs: Mr. Templeton, I have a comment and then a question. My comment is that I think you should refer to it as a warlock's brew since there were only males in attendance and not any women.

My question, however, has to do with the Supreme Court judges. I think that you are aware of the fact that Quebec has a different law with regard to civil cases than we do in the rest of Canada. One of the reasons why they have three judges on the Supreme Court of Canada is because when it deals with a Quebec case in the civil law field, they are the only ones trained in that particular form of the legal system. Now we are presently training lawyers who do both types of law at McGill and the University of Ottawa, but there are very few senior lawyers appointed to the Supreme Court who have those skills. Would it be acceptable to you to have Quebec have three, provided we added to the overall numbers so that she ended up with a proportion based on population figures, in order that those cases could be dealt with by knowledgeable lawyers?

Mr. Templeton: Yes, I think that would be quite acceptable. It is my opinion, as I touched on briefly, that the Supreme Court of Canada will have to be enlarged and split so that there are specialty courts for certain areas. It would appear that their workload is becoming so heavy that decisions are unduly delayed. This is not good for the country.

With regard to your first statement, I do realize that, but it was only Boy Scouts or boy Indians who were allowed to go there.

Mr. Chairman: Any other questions from the Task Force? Thank you very much, Mr. Templeton.

We are going to take a short break, about five or six minutes now. Do not go away, folks. We will be right back.

RECESS

Mr. Lee Clark (Member of Parliament, Brandon-Souris): I would like to thank the committee for the opportunity and say that, if you will permit me, I am a little surprised that some of my colleagues in the House of Commons from the Province of Manitoba have not sought out the similar opportunity, because I think we all have a responsibility to address what is obviously a very important issue.

I begin by readily conceding that there has been, as all of us in this room know, a very considerable amount of criticism of the 1987 constitutional amendments, which most of us know as the Meech Lake amendments. I think that certainly we as federal politicians have to accept some responsibility for that vast amount of criticism in the sense that I do not believe we have done a very good job in some cases of explaining the Accord or explaining the amendments.

I would point out that the process which led to the 1987 amendments was not as hasty and not as hurried as some would suggest. In fact, if I may on a couple of occasions, I would like to quote from what I thought was a very excellent speech delivered to the Legislature

of Manitoba by the Premier on the 16th of December. As you will recall, he said on one occasion, Meech Lake did not grow out of two long, hard negotiating sessions, one at Meech Lake itself, the other at the Langevin Block in Ottawa. It grew out of more than a year's efforts by the provinces and the federal Government striving to rebuild a fabric of federalism. In a very real sense, it grew out of the 15 years of failure, bitterness and frustration that was the Trudeau legacy in Canada. I think there is a great deal of merit in that point.

I would also readily concede, Mr. Chairman, and to all that certainly Premier Bourassa's decision to invoke the notwithstanding clause on that same weekend was most unfortunate, was to be regretted, I am sure, by all of us. Without doubt, it created a climate that made the decision by the province, by the Government of Manitoba, to suspend the hearings at that particular point inevitable, in my opinion. I can understand why the Government of Manitoba withdrew the legislation when it did.

I think it is important, however, to stress the fact that the anger which we all felt was directed at the use of the notwithstanding clause itself, and not at something provided by the 1987 constitutional amendment. I would suggest to you, as provincial legislators, that you might want to address that particular clause which is in the current Constitution, which has nothing whatsoever to do with proposed amendments, as being perhaps one of the most troublesome parts of the Constitution and one of the most potentially divisive parts of the Constitution.

In light of the fact that it was a Premier of Manitoba who was allegedly largely responsible for the inclusion of that clause in the 1981 constitutional amendment, proclaimed in '82—and the person was Sterling Lyon—it might well be that the Province of Manitoba might want to set an example to the other provinces by voluntarily agreeing to surrender that particular constitutional power, because I think it is evident to all concerned that if there is a threat to the Charter, the threat to the Charter comes from the notwithstanding clause. If there is a threat, I think, to unanimity within the country, to a very large degree it comes from the potential use of that clause.

* (2050)

All of us, I think, readily concede that constitutional amendments, at any stage, are undoubtedly imperfect. They leave many questions unanswered. I would not pretend for a moment this set of constitutional amendments do not do that. They do in fact leave questions unanswered and that's evident in the testimony which you have received, and which you undoubtedly will continue to receive.

I have heard some people say, well why not wait until we have a perfect agreement? I guess my answer to that is essentially this, and I say this as much as an historian as a citizen of the Province of Manitoba, that if we wait until there is unanimity within this room or unanimity within the province, unanimity within the country, until we have achieved that perfect constitutional document, I would suggest to you, we

will inevitably wait until forever, because it simply will not occur.

Mr. Chairman, you with your background in political science, are well aware of the fact the British North America Act in 1867 was an imperfect document. That was demonstrated, I think, by the fact that it was necessary to amend that document on several different occasions, and relatively shortly after its passage initially in 1867.

I think the Fathers of Confederation, John A. Macdonald and others, understood it was an imperfect document, but I think they believed that it was, again to use the Premier's words on the 16th of December, a necessary first step.

I would suggest to you, when the time comes to evaluate any set of proposed constitutional amendments, it's necessary to evaluate them within that context, as to whether or not it is an important step in the process. I would suggest the process will never be completed. I think what we see is we have before us now a constitutional amendment. I dare say, there'll be others in years to come.

With respect to the issue of centralization versus decentralization, which I think is a fundamental part of the debate even though it may not get a great deal of attention, I would argue that Canada in 1867 was quite properly and inevitably a centralist society. John A. Macdonald, as you know, believed in a centralized society. If he'd had his druthers, there would not have been provinces in this country. He preferred a single Parliament, in the method and the analogy of Great Britain, where there are no provinces.

The geography of Canada and the history of Canada made the creation of provinces in 1867 inevitable, but he did what he could and most Fathers of Confederation were supportive of him. He did what he could to ensure that those provinces were as weak as was possible, and so the power clearly rested in Ottawa. That was a pattern within this country for almost two decades.

Beginning in the 1880s, partly as a result of the emergence of the first provincial Premiers' Conferences—and the federal Government was not represented at the early ones—and partly as a result of Supreme Court decisions, the power gradually began to transfer from the central Government to the provinces. I, for one, am satisfied with that trend because I think in many ways the provinces are better able to deliver services to the citizens of their communities, and are better able to make decisions that are in the interest of their communities than is a central Government located in Ottawa.

So I am not one who fears the emergence of decentralization. I believe, in many ways, that decentralization is in the best interests of its citizens. I would note in passing, Mr. Chairman, I think there are Members of this Government who believe the same thing, if I understand their policies to be as they are, where they deliberately try to decentralize services. I think it's consistent, as well, that you would also decentralize the decision-making process. I would think, as well, that those of you who are involved in provincial

politics would welcome an opportunity to, in fact, have a greater say in the decision-making of the nation because, in essence, you are, and the municipal Governments which are responsible to you are, in many ways, the real beneficiaries of that process. Now I think it's possible that process could go too far but I, for one, do not believe the 1987 constitutional amendments have carried us too far.

Let me, for a moment, say something about the question of shared services because I hear a great deal of concern being expressed about that. It is important, I think, to remember the 1987 constitutional amendments where they talk about providing the provinces with the opportunity to opt out of certain programs and yet receive compensation for them. They are talking about areas of jurisdiction which are exclusively provincial in nature. They are talking about areas of responsibility where you might well argue that the federal Government had no right being there in the first place. Certainly one of the errors which the federal Government has committed in the past in this country is it very frequently has created national programs, dangled money before the provinces, virtually defied them not to participate and then withdrew, leaving the provinces with the responsibility of continuing in those programs.

I do not think that is always in the best interests of the nation. I don't think that is always in the interests of the equality of the provinces, and so I am not troubled by that part of the 1987 constitutional amendments because I think it is consistent with the division of responsibility which is there and, as I said before, I think in many cases the provinces are well able to accept that responsibility.

What about the amendment process? Again, there has been a great deal of attention devoted to that. First of all, as all of you know but perhaps not all of us know, the principle of unanimity in order to amend the Constitution is not new and it is not unique with the constitutional amendments of 1987. It is there right now in the 1981 Constitution. What is new about 1987, the proposed amendments, is that there is an extension of those instances in which it would be required, but the principle is not new.

Secondly, what is new about the expansion of the power—what is significant, I guess, rather than new. What is significant is that the new constitutional amendment of 1987 would provide the provinces, this province particularly, with an equality of opportunity that the present constitutional amendment, the 7/50 clause, does not provide.

As each of you know very well, the present constitutional amendment of the seven provinces representing 50 percent of the population gives veto power to two provinces, to those popular provinces of Ontario and Quebec, and it gives them the power to prevent the change which we as a smaller province may seek, but that 7/50 Clause does not give us that power.

In a political sense, it puts us in the have-not category, and what the 1987 constitutional amendment proposes to do is treat the large provinces, the heavily populated

provinces and the smaller populated provinces, the same. So Manitoba, Prince Edward Island, Ontario, Quebec, whichever province we name, are vested with the same power to prevent constitutional changes in many instances of which we would not approve. Surely, as provincial politicians, the principle of stating in law that we in this province are equal to the larger provinces is surely something with which we can identify. I would suggest to you in passing that the interest in the Triple E Senate demonstrates surely that many of the provinces are in fact seeking that same equality, so surely the fact that equality is now offered there now in the constitutional amendment proposal of 1987 is something which is consistent with our ambitions as a province.

If I may go back for a moment to the question of decentralization versus centralization, this is an old debate in Canada. It is one which will never end. It is one in which there are various and very consistent positions, and if I were making this same representation, as I have said, 40 years ago, 50 years ago, I would argue a different side. I would argue that centralization was necessary in order to force onto the regions and the provinces of Canada a certain equality of opportunity. I do not think that is as necessary now in terms of the changes which have occurred not only in our economy but in terms of our political experience.

Now, there are those politicians who continue to be centralists and they have, obviously, that right. The former Prime Minister of Canada, Mr. Trudeau, was clearly and has always been consistent in this, in being a centralist. The fact that I may disagree with his interest in centralism is not to say that he is wrong and I am right, but the point I simply want to make, I think it is appropriate and it is necessary to understand that there are philosophical differences in terms of where the power in this country should lie. I would suggest to you in passing that even though many of us might have been avid centralists in the past, or even though our political Parties might have been avid centralists in the past, that we live in an era of constant change, and what might have been right even in the 1960s is not necessarily right in the latter part of the 1980s or the latter part of the 1990s.

* (2100)

On the question of Senate reform, Mr. Chairman, there has been a great deal of attention to that, as you know, and I think for obvious reasons. I dare say that everyone in this room believes that there is need for Senate reform. The first point, and I think this point has been made so often it does not bear a great deal of mention, but nevertheless the commitment in this agreement to the fact that Senate reform would be the first item on the agenda I think is important in itself because we in this province, for example, have not always had the power in the past to have our items of concern on the agenda. But I think what is more important is a question as to what is the significance of the proposed amendments to Senate reform itself.

Now there are some who have argued that Senate reform will be impossible because of unanimity. I would suggest to you in passing that Senate reform may well

be impossible without completing the process of 1981, and the reason I say that is because in Section 43 of the present Constitution, I believe, and I know that some will argue on both sides, but I believe that Section 43 of the present Constitution will require the participation of all 10 provinces, and the concurrence of the Province of Quebec prior to that happening, because Section 43, as you know, refers to those instances in the Constitution which affect one province and not others. Certainly the Senate, the reference to the membership coming from each of the counties, Section 22 of 1867, the British North America Act, Mr. Chairman, makes a very specific reference to that and that will be argued. So that is why my colleague, Jake Epp, and many other people said that we must have the '87 amendments through before we can address the issue of Senate reform.

I assume that bell means that my time has more or less expired, does it?

Mr. Chairman: No, you have five minutes after the bell, sir, so I would say you probably have about four left.

Mr. Clark: Okay, thank you. With respect to the question of women's rights, which is I know of great concern, and I suspect you have already seen a representation from a group in this area with whom I have met, I guess there are a couple of points that I would like to address with respect to that.

I see no evidence, and certainly those who debated this in Ottawa saw no evidence that the Charter, particularly women's rights as defined in the Charter, were threatened by the 1987 constitutional amendment. Forgetting for a moment what John Turner thought or Brian Mulroney thought about this, think about what such celebrated people as Pauline Jewett thought, Ed Broadbent thought, people who have been noted proponents of women's rights for a long time. And, Mr. Premier, if I may quote you again, as you will recall, you quoted Mr. Broadbent, and you quoted Mr. Broadbent on the 16th of December. You said: "We would not have supported this Accord had we believed the Charter was endangered or diminished. I say this with great conviction."

The people in Ottawa, who I would describe as the champions of women's rights—and not every Member of Parliament can properly claim that title for himself or herself—but those with whom I would identify as being particular proponents of women's rights do not share the fears, do not believe that the Charter was threatened by the 1987 constitutional amendment, nor would they have supported it had they done so. With respect to Bill 30, because I suspect there may have been some reference to this here, I think what you may have seen in certain cases before the courts is that there was reference to certain instances where separate schools, and a particular case referring to separate schools—and what those who have examined the case say to me, and I do not pretend to be a lawyer, but what they say to me is that there is a specific reference in the 1867 agreement to separate schools. It was on the basis of that that they were able to reach a decision. There is no basis whatsoever in the British North

America Act for distinction on the basis of sexuality, and so they argue there is no basis for concluding that the Charter is threatened by the 1987 constitutional amendment.

With respect to the question of immigration, I think those of you who are part of the inquiry understand that the agreement which was reached between the federal Government and the Province of Quebec in the mid-1970s offered the opportunity to each province to determine its own immigration criteria, if it so chose. Only one province chose to do that and with the 1987 constitutional amendment, what we simply propose to do is to offer that opportunity to others.

To the opting-out clause, I have already referred to that. Again, I think it is worth stressing, Mr. Chairman, that we are talking about areas which are exclusively a provincial jurisdiction where provinces have the opportunity, if they wish, to take financial compensation from the federal Government. I would remind you with respect to the question of standards, as I think the Hon. Jake Epp did, that you can't have a program like Medicare, a program which is admired throughout the world, and a program where there are significant variations from province to province, so I think it is quite consistent that we continue to have social policy in this country where all Canadians are guaranteed certain basic rights and yet allow the provinces to determine that policy to the best of their ability.

With respect to the most difficult words that are probably in this whole agreement, the words "distinct society," as you know, beginning with the Quebec Act in 1774, the British in their wisdom or lack of wisdom began to make certain distinctions by law. The Quebec Act referred to rights in the courts created, and as I heard you say, Mrs. Carstairs, a little while ago when I came into the room, a different law system in that province, development of a civil code, certain rights in court, certain rights in Parliament. In my mind, the words "distinct society" do not mean superior, but they do mean different. Those differences had been recognized since 1774 and, based upon my reading of the constitutional amendment, I see this statement as a reaffirmation of what is already there rather than as an introduction of anything which is new and/or additional.

Having said all of this, I am left with the troubling fact that there is an immense amount of division within this province and within this country. So I would suggest to you in conclusion that you might—as some of you have already suggested I think amongst yourselves—well try to address those differences which are troubling, those areas where there is ambiguity, misunderstanding, lack of clarification, whatever the case may be. You might want to address that in a form of a parallel Accord which you could present to the Legislature and which you could then encourage your other counterparts to proceed with.

To echo the words again of you, Mr. Premier, on the 16th of December, this is not a complete document. There are many areas that continue to trouble many people, but we believe it is a useful and important step. The way to address the areas which are incomplete is either in one of two forms, by continuation of the

process which could probably go on forever or by, as I suggested to you, as many of you have already indicated, the awareness of I think Frank McKenna has been talking about as well, the possibility of a parallel Accord which could sit simultaneously with what is currently before you. Thank you very much.

Mr. Chairman: Thank you very much, Mr. Clark. Any questions? Mr. Filmon.

Mr. Filmon: Thank you, Mr. Chairman. I thank Mr. Clark for his presentation tonight and I wonder—there are many areas that I could ask you to comment on, but I will leave some time for others to question. I will just, as an example, address one area.

You have addressed the area of concern about supremacy of the Charter, about the people, many, whether they be women, whether they be aboriginals, whether they be other minorities who fear that their rights are in some way diminished by the Accord, and you have indicated that there are questions unanswered, referring to that as one of the specific issues that is an unanswered question. You have quoted a number of people who have indicated that they do not feel that there is a concern, and yet you know that there are others, legal opinions, that are available from the various women's groups, for instance, and others who say that clearly there is a concern on their part as lawyers, as people who would argue the case in court, that somehow the Accord would supersede Charter rights. Why would you choose to leave the questions unanswered rather than put in something such as a non-derogation clause that assures that all of these Charter rights are protected and indeed supersede the Accord?

* (2110)

Mr. Clark: I suppose that might well be part of what you might want to address in a parallel Accord. I think that would be one of the principal purposes of—we will never get unanimity, I think that is evident. It may well be within any constitutional document that you will not get clarity until you have had the interpretations, and sometimes we are surprised by the interpretations. But I think where we are able to identify areas of uncertainty in advance, that you might well find that a parallel Accord would address some of those uncertainties and perhaps clarify some of the confusion.

Mr. Carr: Mr. Clark, I was struck by a couple of phrases that you used in your presentation and you just repeated one now. You said we will never get unanimity, and at the beginning of your remarks you said that unanimity "will wait forever" and you also said further down in your presentation that we live in an era of constant change. Given those two factors, that Canadian society is constantly changing and that unanimity is something which is not possible, why do you support an amending formula that requires unanimous consent of the federal Government and all the provinces?

Mr. Clark: First of all, by way of principle, Mr. Carr, I would remind you that principle is already there in

the present Constitution. It is there, as you know, with respect to one of the sections where there is unanimity required, and not all changes in the future would require unanimity.

I think there is a great deal of confusion as to what the 1987 constitutional amendment proposes. What it does is it does not require that all constitutional changes in the future will require unanimity. It simply states that in certain areas there will be an extension where there is unanimity required, so the principle is there now. It is not new, and I guess I am suggesting to you that one of the advantages of unanimity is self-evident.

If we were presently to be employing the 7/50 clause whereby seven provinces represented 50 percent of the population could enact constitutional changes themselves, the attitudes of Manitoba and New Brunswick would not be as significant. In fact, it would not be necessarily significant at all because we can have constitutional change in this country under the present Constitution without the concurrence of the Province of Manitoba and without the concurrence of the Province of New Brunswick. So the very fact that these hearings are taking place and the very fact they are important and the very fact that Manitoba is in a position to determine direction for the future is the very result of the unanimity clause which you question.

When we talk about unanimity, we will never have unanimity of public opinion in a total sense, but I think there are times in our history when Governments will agree. Governments agreed, the federal Government and the provinces agreed to set up the Unemployment Insurance Program. Governments have agreed before.

Mr. Carr: If I may, Mr. Chairman, there are—

Mr. Chairman: Yes, sir.

Mr. Carr: Let us be clear on the two areas requiring unanimity which have been added to the 1987 constitutional Accord. One has to do with the introduction of new provinces and the other has to do with Senate reform. Are you, as a western Canadian Member of Parliament, prepared to leave the issue of Senate reform under a constitutional amendment that requires unanimous consent?

Mr. Clark: What I am saying to you is that I do not think we can get Senate reform right now without addressing the deficiencies that were left there in 1981. I think we have to have those deficiencies addressed before we can get the very Senate reform which we seek, and I think that this is an important step in that direction.

Mr. Doer: I want to ask a question about the process and the inevitable decisions we have to make, Mr. Clark. In 1981-82 there was a number of concerns that were raised by the Canadian public and, therefore, a number of changes were made to the Constitution in its stages as it went through Parliament, through public input. Here, in Manitoba, we are having quite a bit of public input, suggestions and recommendations to improve the Accord as it's presently constituted. Why should

we not have some of those very positive improvements made to the Accord over the next 15 months as part of the Canadian process of establishing the Constitution, rather than the fait accompli situation that we are into today?

Mr. Clark: Well, I think the process is a continuing one, I think this is part of the process. I think the summer of 1990 is a long way away. I think there is opportunity for federal-provincial meetings between now and then. I think indeed one has already occurred. I think more are scheduled and I don't think the process itself is, by any means, complete.

Mr. Doer: So you would support our position that the Lowell Murray position—I won't use the Prime Minister because he is the Leader of your caucus—but the Lowell Murray position that not one comma can be changed is not entirely accurate. There can be positive amendments, such as the Charter of Rights and other proposals that have been made in the hearings across Manitoba, that can be possible in the next 15 months.

Mr. Clark: I think a parallel Accord would very much address many of the concerns which you and others have raised.

Mr. Doer: A parallel Accord that amends—it's got to be an amendment to the original document, let's be honest.

Mr. Clark: They can stand side by side.

Mr. Doer: If it stands side by side, you don't know which one is superior, so it must be an actual amendment to the Accord.

Mr. Clark: I don't pretend to be a constitutional lawyer, but I would think if they were passed by the Legislatures and concurrent with each other, one would very clearly be an extension of the other. If I understand Mr. McKenna correctly, I would think that is the direction he has been thinking on certain occasions.

Mrs. Carstairs: Thank you, Mr. Clark. You indicated that you did not believe that the "distinct society" clause gave additional powers to the Province of Quebec. I think you would agree that is not the position that Mr. Bourassa has taken since he has said on a number of occasions that it does indeed give him additional powers, including to sign international treaties.

On that basis, would you be prepared to agree to sending the "distinct society" clause to the Supreme Court in a reference, so they can determine whether the "distinct society" clause does indeed give additional powers or whether it doesn't?

Mr. Clark: I guess part of the difficulty with Supreme Court decisions is they are consistent for the moment, Mrs. Carstairs, I would believe. I would think there probably well needs to be references to the Supreme Court, but irrespective of whether this document is passed or some other document is passed, I think it's important to try and address the differences. I guess

what I'm suggesting to you is I think a parallel Accord might be a way to do that. It might well be, as the Premier has suggested, that the reference to the Supreme Court would be a part which could also be practical. That is something which I assume that he would continue to address in his meetings with his counterparts and with the Prime Minister. I guess it's my inclination to think that a greater solution, a more practical solution, would be that of the parallel Accord.

Mrs. Carstairs: I was pleased to hear you say tonight that we still have to June 1990, and there is more time for discussion. You referenced it to federal-provincial conferences, which is again 11 people discussing the future of Canada. Five provinces didn't have any public hearing process whatsoever.

Can you see a way in which we could amend or propose an amendment to a Constitution, which would build in a process amendment, which would give the Constitution back to the Canadian people first for their discussion, and then to the First Ministers for further enunciation?

• (2120)

Mr. Clark: I would think the hearing process is certainly a part of the public process. As you know, there were federal committee hearings. As you have indicated, there have been a number of provinces which have chosen to have provincial committee hearings. Certainly, when you speak of 11 people, that's true in the strictest sense of the word.

I would assume, Mrs. Carstairs, if you were there as a Premier, or if any other of you were there as Premiers, you are not there as an individual but you are there as someone who has been elected by the people of your particular province. So to speak of 11 people in such a singular sense is surely to do some sort of disservice to the political process in which all of you participate. In a very political process, there is an opportunity for public input. You, in the Province of Manitoba, I think will end up having two sets of hearings if you decide to proceed. Certainly the other provinces have the same option. As I have indicated, the federal Government had a very extensive series of committee hearings. Many people had a chance to participate. This debate has been going on for several years, as the Premier said in his December 16 speech, and I dare say it will go on for some time longer.

Mr. Chairman: Other questions? Sir, on the issue of Senate reform and aside from any questions of process, you have given some interesting observations tonight on the possibilities of parallelism. Let us leave that issue aside. What are your views on what a reformed Senate should be in terms of the way it is chosen, the representation that would be in it from the provinces and its limit of power in the system?

Mr. Clark: Certainly the Senate has to be reformed. It has to be elected. If it is going to be elected, it has to have more power than it has now. I don't have a clear idea of how that Senate would interact with an elected House of Commons, nor have I seen much

study given to that, you know, dealing with the possibility of impasse between the two bodies, whatever the case may, but that is something that clearly would have to be addressed. I think the Senate has also got to be far more equal in its representation than it is perceived to be now. I think there is rough support for that in many parts of the country, Mr. Chairman.

Mr. Chairman: Not suggesting that would be the federal proposal promised after Meech Lake?

Mr. Clark: No, I cannot speak for the federal Government.

Mr. Chairman: Indeed, I understand. Are there any other questions? Mr. Carr.

Mr. Carr: Just to clarify part of the last answer if I could, Mr. Chairman, Mr. Clark, you said that the Senate, if elected, should have more power than it has now. The Senate now has the same powers as the House of Commons except it is not a confidence body. It cannot defeat a Government, and it cannot introduce money Bills. Are you suggesting that the Senate should have the power to introduce money Bills or that the Senate should have the power to overrule the House of Commons?

Mr. Clark: No, I guess I'm suggesting that the Senate—I would suggest to you, Mr. Carr, perhaps that the word "power" may have a variety of meanings—clearly has some constitutional powers which it does not invoke, just as the monarchy in this country. The Governor General still has the constitutional power of veto. It has not been exercised since 1707 in the British model. I think the Senate would have to be a more significant day-to-day part of the Government of Canada once it were elected than it is right now. It does some very, very useful committee work right now, but I would see it as a more vibrant part of that political system. So perhaps it is not a question of having more power than it currently has in a constitutional sense. Perhaps it is a case of exercising a greater amount of that power.

Mr. Chairman: So that would not, therefore, deny the possibility of formal limitation of power in the sense of a suspensive veto?

Mr. Clark: There would have to be a clear demarcation, if you will, as there has been, I guess, in emergence with the British House of Lords.

Mr. Chairman: So you would clearly see the House of Commons as being that Chamber to which the Government would be responsible?

Mr. Clark: As long as the Cabinet comes from the House of Commons to the most significant degree with one coming from the Senate, that would certainly have to be the greatest area of accountability, I would assume.

Mr. Chairman: Any other questions? Thank you very much, Mr. Clark.

Mr. Clark: Thank you.

Mr. Chairman: The next presenter is Mr. David Weiss.

Mr. David Weiss (Private Citizen): I think I went home to bed, I'm not sure. As they say in some circles, Mr. Chairman, that is a very tough act to follow.

Mr. Chairman: Sir, is it Weiss or Wiess.

Mr. Weiss: If you are German you pronounce it Viess, with the "ie" first; if you are not German you pronounce it with the "e" which is Weiss.

Mr. Chairman: I wouldn't presume to claim the rich heritage of Germany, sir, so I'll call you Mr. Weiss. You are appearing as a private citizen?

Mr. Weiss: Private citizen, Mr. Chairman, and Members of the panel, but is anybody really coming here as a private citizen? Do you know how many people out there who want to come here? Some haven't got the fortitude, some haven't got the opportunity, so nobody actually comes as a private citizen. You are speaking for somebody and everything else. Just like Mr. Lee Clark said, that the Premier speaks for everybody in the province, not so. Mr. Lee Clark, he was so good I actually almost believed him.

One thing I am going to add to that lady who said, "I don't like the way this is done." I thought the lottery, and of course I didn't care to win this lottery. I would rather have won the 6/49 lottery. I thought the lottery was according to the time you were supposed to speak. I run a business and I had to leave in a hurry at six o'clock. I came unshaven and unclean in order to get here at seven o'clock, and here I am sitting here waiting for the next act. Mr. Clark, he gets paid for that. He could have been the last speaker or he could have come tomorrow.

There are a few things, if I may. Mr. Clark mentioned something about—am I interrupting something?

Mr. Chairman: I can't resist, though, sir, if I may. I have to say Mr. Clark's duty right now is to be in Ottawa, so he has come here. That's why we allowed him to speak at a specified time.

Mr. Weiss: Winnipeg is on the 29th.

Mr. Chairman: But he is your Member of Parliament for Brandon, sir, after all.

Mr. Weiss: Is he?

Mr. Chairman: Yes, he is.

Mr. Weiss: Anyway, Mr. Clark mentioned something about the North America Act. As you know, when things are done and since you weren't there, you don't know to what point that a North America Act was done, and I'm not going to bother explaining it. Mr. Clark may be a historian but I don't think he knows too much about the North America Act. I took a history course of the Second World War almost two years ago, and the acts of book learning, if I may say, was not the same as the real thing. I was there on the real thing. So we'll

just leave the book learning out and these people, who go according to book learning and weren't there, maybe they're not too sure what they're talking about.

I came in from Toronto in a hurry. I thought I was supposed to be here at seven o'clock. Instead of doing that, I should have brought a cot along. But anyway, let's see if I can remember anything here at all. As a rule I don't make notes, but I am getting into old age, getting on to 76 and I have a loss of memory. Sometimes I have to ask somebody, what was I talking about? Can you imagine the last election, some of the politicians have lost their memory, they don't know what they were talking about.

The free trade was actually a red herring. The real issue was the Meech Lake thing and nobody brought it up. Everybody was too enthusiastic about the free trade, those for it and those against it and neither one understood it, but they all forgot about the Meech Lake. The only one who didn't forget was Mr. Wells in Newfoundland. He made it as part of his election campaign and look what happened there. I think the Meech Lake should go in history with Eaton's catalogue in the same place.

* (2130)

Now, I am quoting from the papers I read lightly, but of course I said in city council—and I go to city council a few times—that Phil Rogers said that, all I know is what I read in the papers, or Will Rogers. If we go according to by the papers today, maybe we would be a little literate, but I pick up some of the things. I think I learned something out of the papers today.

Now, Mr. Bourassa says that in no way that the notwithstanding clause can be taken from the Constitution. I suggest that the Constitution can be amended. The Constitution should be amended according to the best interests of all Canadians, not how it appears to be, a chosen few. It should be amended with loving care, the Constitution, because it is something. Although we did not give any blood for it and fight for it, but in a way we did. We fought in the second war and the First World War so we could go with our democratic things, and so we should amend these things with loving care and not just a few people saying, this is the way it is going to be. So with loving care, we should look at this parchment, what we call the Constitution. With loving care, we should make amendments that benefit all Canadians.

Now, let us see if I can get the next one here. "Transport Minister had a warning for Mr. Wells, who is Premier-Elect of Newfoundland, that the consequence of not passing the Meech Lake Accord is very huge." This is very important to Quebec. They were to worry about their survival. What are they worrying about their survival with the Meech Lake Accord? Do you know why? Why in the hell didn't they worry about their survival at the Second World War, when they rioted against overseas conscription? Do you know that every man who went overseas was a volunteer? If we had the conscripted men, some of us wouldn't have died like we did. So they are worrying about their survival with this Meech Lake paper that you call—what the hell is it anyway?

Now don't get me wrong. They rioted against overseas conscription when one of the most menace to humanity that occurred were running amok through Europe. But they also had—now don't get me altogether wrong. The Quebecers had some good units but they did not have the same quotient of 10 percent of other people hired, but they had some good units. I ought to know. I was in front of the Chaudières one night. They shot at friend and foe alike. They did not make the difference.

Our Trade Minister, the Honourable John Crosbie, threatened Newfoundland, if they did not play ball, the Government would have to reassess the situation. It appears that the Meech Lake Accord takes powers away from Ottawa and gives it to the provinces. We must have a Government in Ottawa that we can look up to and not down at and, according to the Meech Lake Accord, it looks like we are going to look down on Ottawa. We have to have somebody strong, somebody who can run things and give counsel. If we are going to have a weak Ottawa, what do we need Ottawa for in the first place? So we need to look up at Ottawa.

To make sure what is Ottawa's role and the provinces' roles, we should and must have—here we go again—an elected Senate. We have heard that all night, elected Senate, 10 senators from each province with powers to balance the elected Members of the House. Now I haven't looked into the Senate in Australia but, if you remember some years ago—years go very quickly—that the Australian Senate forced the Government into an election. Now you can discuss with Mr. Clark or anybody else how you are going to do this and that, but it takes more than discussion of one man because he is only a number when he gets to Ottawa.

There should be amendment to the Constitution which holds—I can't even read my own writing—the happiness and well-being of all Canadians, regardless of French or any other origin. Anglophone and Francophone should be stricken from official records. Every one of our Canadians originated from one part of the world or another. That is where we come from. We come from all over the world.

Let me take you back a little bit that started with the first speaker when he talked about the French in 1759. In 1776 or that, when King George gave the French their own religion and all this, there were only 90,000 French people in what we call Quebec. They weren't settlers; they weren't farmers. They were part of the trade and the missionaries, and this and that. The settlers came into Ontario when the Tories lost the war, when the revolution won the war.

So let me ask you again, everybody who is sitting here, if your house was on fire and your neighbour came over to help you put the fire out, would you give him the house? That is what we are doing with the French. Because they held what was Canada for the British Empire, we are giving them the whole house. What would they want afterwards? I don't think they'll take the foundation, but they still want the whole house.

The French have achieved having French in all the provinces—signs are in both languages—but they

refuse signs in both languages. We should give them six months to have both signs, English and French, up or the western provinces and perhaps some of the Maritimes, we would put up signs English only. Why fool around with this thing? You can have hearings from morning till night. Mr. Lee Clark can say, there is no unanimity. You can't have unanimity, but you can have a certain balance for all Canadians. They have achieved what they wanted. Why are they not satisfied?

Also, amendment to the Constitution that no Prime Minister can threaten a province with an "or else," like is being done right now. That's not fair, is it? To say, you do it or else? What do you think we are, kids? Go outside and play or else.

Now, I'm going to say something at the risk of being called out of order.

Mr. Chairman: Well, I would think carefully about it then, sir.

Mr. Weiss: No, I'm not going to think carefully. I'm going to do it.

Mr. Chairman: Oh, you are. I see. Alright.

Mr. Weiss: Now the word—I may not pronounce it right, so anybody who is a teacher, you pronounce it right for me. Will you, please? Schizophrenia, do you know what that is? I will explain to you what it is. If I didn't pronounce it right, you pronounce it right for me.

Mr. Chairman: Schizophrenic, I think is what it is.

Mr. Weiss: Thank you very much, Mr. Chairman.

Mr. Chairman: You're welcome.*

Mr. Weiss: A form of insanity marked by delusions, hallucinations, with withdrawal and often impaired intelligence. It seems to me, it appears—now I'm not saying they are, because that would be libel, but appear, there is an element of doubt, so the lawyers say. Is that right, Attorney General? It appears that they are that kind of society and not a distinct society. They think that everybody is after them. Who is after them? Nobody is chasing them. That is the illusion of a schizophrenic. So it appears that they are a schizophrenic society and not a distinct society, because they are afraid that somebody is doing something to them. So on that point, I hope I made a few points clear.

I did not go into the women's lib; I did not go into a lot of other things. I think there are more eloquent speakers than I am. I am not a speaker, I am actually a talker. I am glad for the opportunity that I won this lottery, although to be quite honest I would rather have won the 6/49 lottery.

Thank you.

* (2140)

Mr. Chairman: Thank you, Mr. Weiss. Are there any questions from the Task Force? Thank you again.

Mr. Weiss: Thank you. Before I leave, can I partake of this liquid?

Mr. Chairman: The next presenter is Mr. Gordon Brennand, representing the Rural Municipality of Wallace.

Mr. Gordon Brennand (Rural Municipality of Wallace): Mr. Chairman—

Mr. Chairman: Just give us a moment, sir. We would like to have your written brief in front of us. Please proceed.

Mr. Brennand: Mr. Chairman, Members of the committee, what I have to say this evening represents not only my views on the Meech Lake Accord, but also those of the reeve and councillors, the elected representatives of those residing in the R.M. of Wallace. Without reservation, we are opposed to the Meech Lake Accord, and we are opposed for five reasons: firstly, recognition of Quebec as a distinct society; secondly, giving provinces the right to opt out of national programs; thirdly, surrendering immigration powers to the provinces; fourthly, giving provinces a role in the selection of Supreme Court judges; and finally, the power of veto to the provinces.

Before going into each of these points in detail, however, I would like to touch on the circumstances under which the Premiers were committed to signing the deal. The process started at 10 a.m. on the 2nd of June, 1987, and ended at 5:30 p.m. on the 3rd of June, 19 1/2 hours later. During that period, according to Brian Peckford, the text was proposed, amended and reconsidered 15 to 20 times. A cold lunch was served, ham on dark bread.

Desmond Morton, an historian, summed up the situation when he said: "The general emotion among Canadians is puzzled anxiety and dismay that constitutional change was reached in such a short time. People are more used to seeing 200 steelworkers get a contract through this kind of a sweatbox, 20-hour grinder." That is the end of Professor Morton's quote.

Psychological research has concluded that the human mind is incapable of logical thought after working on a problem for 20 hours. Yet the Accord's architects ask the Canadian people to accept constitutional change, valid for all time, cooked up by a bunch of whacked-out politicians. The entire set of circumstances under which this deal was agreed to by the Premiers was absolutely ludicrous, silly in the extreme.

Now, I will turn to the five points I mentioned earlier, to which we are opposed—making Quebec a distinct society. We believe that this provision is the most difficult for Canadians to accept. What makes Quebec any more distinct than any other province? Each province is distinct in one way or another. Because the bulk of the population happens to be French makes it no more distinct than British Columbia, whose population is basically English. The Prime Minister welcomed Quebec back to the constitutional family. We believe that the majority of Canadians would agree that if Quebec wishes to belong to our family, she should join with no special distinction attached to her status.

When the Prime Minister returned the Constitution in April of 1982, Quebec did not consent to the process. However, on the 6th of December of that year, the Supreme Court of Canada ruled that the process had been not only constitutionally lawful but conventionally proper, and that the Constitution applied to Quebec. Infuriated, Quebec refused to participate in subsequent constitutional conferences. I quote McGill university professor Stephen Scott, when he said, "When Mulroney talks about bringing Quebec into the constitutional family, that is a political concept, not a legal concept. The Accord is the price to stop them from sulking." That is the end of Professor Scott's—

Bourassa used the notwithstanding clause to pass his odious language Bill 178 prohibiting the use of English on outside signs on businesses in Quebec. He trampled on, ignored the rights of 800,000 English-speaking Quebecers, whose ancestry in the province, in many cases, dates back for centuries. Bourassa's view of the distinct society differs from that of other Canadians. He has stated that the "distinct society" clause would have allowed him to pass his language law without resorting to the notwithstanding clause of the Charter. His repulsive Bill 178 overrides the Canadian Charter of Rights and Freedoms as well as Quebec's own Charter of Rights and Freedoms, and yet all this happened without a whimper of protest from our Prime Minister.

On the other hand, consider Mulroney's reaction in other situations when he interfered in provincial matters when he considered the rights of the French minority were being tampered with. On the 4th of April, 1988, the Saskatchewan Legislature passed legislation to repeal a century-old statute that gave English and French equal status in the province's courts and Legislature. Mulroney, vacationing in Florida at the time, immediately got on the phone to Premier Devine expressing his displeasure. He said he would use federal funding to protect French language rights in the province. Secretary of State Lucien Bouchard said that Ottawa had an obligation to act because the issue involved the fundamental values of the country. Here we are talking about 25,000 Francophones scattered throughout the province, an insignificant minority when compared in percentage terms with the 800,000 English-speaking Quebecers whose rights apparently do not fit into Bouchard's fundamental values criteria.

In 1979, the Supreme Court ruled that Manitoba was obligated to provide services in French to its Francophone minority, yet Bourassa was allowed to flout a Supreme Court decision by restricting the use of English in Quebec. So much for the distinct society. It is nothing more than a political ploy that present-day politicians have conjured up to curry favour in Quebec.

In addition to the "distinct society" clause, we oppose the Meech Lake Accord in four other areas because we feel that ratification would weaken the power of the federal Government. A large and diverse country, such as Canada, needs a strong federal Government. Carlton University political scientist Robert Jackson said: "The Meech Lake Accord will make Canada more difficult to govern. The Accord would make Canada the most

decentralized Government on earth." We agree with Professor Jackson. We feel that Mulroney ceded too many federal powers to secure Quebec's blessing.

In this category falls the concession that provinces could opt out of national programs and be compensated to enable them to carry out the programs themselves. This would be the end of many national social programs. Such action would also inhibit the federal Government's ability to establish new social programs. For example, this concession would end any hope of a national day care program. I feel that more Canadians would lose than would gain through decentralization of powers traditionally held by the central Government.

I consider that provinces should not be involved in immigration policy. This would weaken the role of the federal Government in an area where a strong hand is required. Yet Mulroney proposes that the 1978 immigration agreement worked out between Ottawa and Quebec, which gave the latter some powers over immigration, be locked into the Constitution—an unacceptable provision. Immigration should be the sole responsibility of the federal Government.

* (2150)

Also, Supreme Court appointments should remain within the purview of the federal Government. Appointing Supreme Court judges from a provincial list would eventually result in a Quebecois separatist sitting on the Supreme Court.

The proposal that would give each province a veto on future constitutional amendments makes the entire Accord unworkable in a practical sense. Each province would have a veto over changes to federal institutions. Approval of all 10 provinces would be needed to reform the House of Commons, Senate or Supreme Court or to turn territories into new provinces. P.E.I., with a population of 128,000, could prevent the northern territories from achieving provincial status. Every Government must consent to changing even a simple word or a punctuation mark. The veto makes it a virtual certainty that no amendments will ever occur.

In this regard, for almost 10 years, various groups of Canadians have been advocating Senate reform as a means of getting better representation for various regions in Canada, particularly the West. Despite the fact that Senate reform is to be on the agenda on future First Ministers' Conferences, it is obvious that Senate reform is as dead as a dodo if Meech Lake is ratified.

Finally, here are some comments made by the founding fathers of the Meech Lake Accord. Senator Murray once offered to correct egregious errors, if all provinces consented to the proposed changes. Later, however, Murray flatly announced there were no errors. Amendments, Murray added, would risk unravelling the whole Accord and jeopardize reconciliation with Quebec. The same Senator Murray told fellow Tories not to engage in public discussions on the Accord. Doing so, he said, might damage efforts by the Premiers to sell the fragile agreement to constituents in their home provinces.

The Prime Minister recently stated in the House of Commons that the Accord (sic) isn't worth the paper

it's written on because of the notwithstanding clause. Comments such as these lead me to conclude that the Accord could stand some refinements.

In summary, therefore, we are being asked to accept constitutional amendments in order to satisfy Quebec's demands. We are asked to accept an Accord that gives Quebec special status, while no other distinction is accorded to any other province. If Quebec wants to be accepted into this constitutional family, we as Canadians have a notion that idea has to be discarded.

Moreover, weakening of the central Government by transferring more power to the provinces in such areas as national social programs, immigration, Supreme Court appointments, and particularly the veto, would be extremely detrimental to the future of this country. National unity would doubtless suffer as a result.

Accordingly, the R.M. of Wallace Council rejects the Meech Lake Accord and agrees with the Province of Manitoba that the Premier of Manitoba followed the correct course and represented the views of the majority of Manitobans, if not the majority of Canadians, when he withdrew his support as a result of Quebec's use of the notwithstanding clause to override a Supreme Court decision, thus denying the language rights of Canadians living in Quebec. Thank you, Mr. Chairman, for this opportunity.

Mr. Chairman: Any questions to Mr. Brennan? Thank you, sir. Mr. Turner.

Mr. Charles R. Turner (Private Citizen): I've been sitting a little too long; I'm getting a little unsteady. Mrs. Turner will read the brief to the panel and I will have some comments afterwards.

Mrs. Nora Turner (Private Citizen): This is to the provincial committee hearing on Meech Lake Accord. It is our belief that those who govern least govern best. The closer Government is to the people, the better Government will be, for who knows their needs and wishes better than the people themselves? This self-government is true democracy. Ours has been eroded over the years and must be returned to the people before unity will prevail. This is not only in the realm of the federal Government, but in all Government bodies: provincial, municipal and school boards. We have little say in major decision-making—thus, our brief.

Common sense must enter into all discussions that take place in the preparation of a Constitution for the people of Canada and must not be rushed. It is far too important a matter. We believe you will get this common sense from the common people, more so than from the professionals as their training develops a bias. Their job is to protect their own turf.

It is not the legitimate role of Government to do for the people what they can and should do for themselves. The prime role of Government should be to maintain law, order and the general conditions which encourage the exercise of personal initiative and responsibility by the people in looking after their own welfare.

According to the Statutes of Westminster, 1931, the provinces were given eminent domain, and they were

given the responsibility of developing a Constitution and a federal Government of Canada. This never was done. So in reality, we have been governed centrally by supposition. Therefore, our central Government does not have the right to develop a Constitution for the people of Canada or its amendments. This authority should come through the sovereignty of provincial Governments. Therefore, we are doubting the authority of Ottawa to amend the so-called Constitution, the Canada Act.

We support the principle of the provincial Government being the servant of the people and the federal Government being the servant of the provinces, and thus of the people. This, we feel, is true democracy. There seems to be a reversal of proceedings now so as to suggest that the provinces and the people are the servants of the federal—no, the central Government. We are being told what is good for us and what we should think and amendments are made to Acts by Orders-in-Council, not by true democratic process.

We support the creation of a Canadian Senate with equal representation from each province directly elected by a system of proportional representation which ensures the most widespread representation. We desire such a Senate to have the power to amend legislation, to initiate legislation and to act as a balance to the House of Commons.

We support the establishment of a Supreme Court of Canada consisting of one judge appointed by each province. Human rights should consist of equal treatment for all and special treatment for none.

We agree with the concept of a provincial referendum rather than a national referendum. A national referendum would be a foregone conclusion, just as in the last election it would be won before the results hit the Manitoba border.

Provinces are the immediate areas where Canadians live, work and play. Referendums should reflect the needs of each province or each region. In a country as diverse as Canada, the needs are different in different regions. Smaller minority groups seem more volatile and petition with success. Yet the West would be totally discriminated against in a national referendum, whereas a volatile minority seems to meet with more success.

We agree and respect the concept that the French language is an important regional language but not a national language. We do not believe that legislated bilingualism and national unity are synonymous. They are divisive.

We agree that each province should have equal voting power in decisions as to Constitution and amendments.

* (2200)

We believe that the Meech Lake Accord has a built-in veto. One province could kill any legislation in the federal Government. That which we have presented here should be given deep thought. It is the responsibility of the provincial Legislature of the Province of Manitoba to give us responsible Government in accordance with the democratic principles enunciated.

Thank you.

Mr. Chairman: I notice, Mrs. Turner, that there are a number of signatures attached to your document. Should we consider it a joint brief from all those people?

Mrs. Turner: Yes.

Mr. Chairman: Thank you. I think Mr. Riley's name is there. Is that correct?

Mr. Turner: Yes.

Mr. Chairman: I think he has already had his opportunity before us earlier today, so I would have to remove his name, in that we are not allowing anyone to present twice.

Any questions to Mrs. Turner or Mr. Turner? Thank you very much.

Mr. Turner: I think I have a little time left, have I?

Mr. Chairman: Oh, yes, indeed. I thought you were finished, sir.

Mr. Turner: With the brief. I would like to comment on some of the other briefs. One, Mr. Simpson, mentioned the Model Constitution. I have here a copy for each of the parties here, and for the Chairman I also have a copy of the brief we presented to the hearings on the Constitution, in 1980 I think it was. Also, I would like to ask, are we going to be presented with a summation of this hearing, the ones that have presented briefs? We would like to know what the decision is going to be, you know.

Mr. Chairman: I am not quite sure what you mean by summation, sir. There will be an actual record of everything said here published within a matter of a few days of this hearing. It will be available from the Clerk of the Legislature's office. Is that what you meant?

Mr. Turner: Well, we are mixed up in another situation which affects us very much. They are going to present it to the Government, the hearings that we are having, and we asked what that presentation will be, which would be the advice to the provincial Government, I presume, whether that is possible or not.

Mr. Chairman: If you are asking what is happening after we are finished our hearings, sir, which will be on May 2 or 3, we are having to extend the hearings because there have been so many who have asked to come forward and speak. After the hearings are over, the Task Force Members will meet on, I am sure, many occasions in a period of time that follows the end of hearings. We will be looking to develop a common position of recommendations on the Meech Lake Accord for Manitoba, which we will then present to the Premier from the Task Force. I cannot tell you when that will happen. It will be whenever the discussion is complete and our recommendations have been formulated. Does that answer your question?

Mr. Turner: Yes, thank you. In regard to that book, The Model Constitution, I know Robert Thompson and

Dr. Scousen. They were both Albertans. Mr. Scousen is American and he is a writer as well. He has seven of some 20-odd books in the universities in B.C. and I think they should be listened to. The answer to our deficit, the answer to our debt is in that book. I think right now our deficit and our debt, we are very concerned about them. If we had had responsible Government from 1867, we would not have any debt whatsoever, federal debt. The answers are there. I have distributed over 60 of those books in Manitoba. That is how Mr. Simpson got a hold of one.

Mrs. Turner: So, do your homework.

* (2210)

Mr. Turner: The ladies brought up the question about vote. They finally got the vote, but the rest of the people of Canada get a vote too, but only one vote. We don't get a vote on the legislation. We listened to what the politicians or the Parties are promising us, but we have no say in it.

I enclosed a leaflet on the Swiss form of Government, and it's the initiative and referendum they call it. They have very few referendums because they are a troublesome thing to have, I guess. With the initiative, the politicians listened to it because these things are signed by quite a number of people. It's more like a petition; it becomes a petition. To avoid a referendum—why they go along with what the people are asking. This is, I say, true democracy and however slow it is, which Mr. Clark mentions, Churchill said it's still the best because it's the Government by the people.

So I think that is about all I have to say right now. Thank you kindly.

Mrs. Turner: Would you kindly ask the Task Force if they take credit for the rain this morning?

Mr. Chairman: We are going to rename ourselves Rainmakers Incorporated, Mrs. Turner, and take the credit. Thank you very much to both of you.

The next presenter is Ms. Marion Robinsong. There is just a bit of a problem with the collation of the document, Ms. Robinsong. We'll get that sorted out, if we may, before you begin. This problem with the collation, we'll just get it sorted out. We are ready now.

Ms. Marion Robinsong (Private Citizen): Thank you very much, Mr. Chairperson, and Honourable MLAs on the Task Force, and members of the audience. I beg your pardon for my photocopying machine, which seems to have given us a break.

My name is Marion Robinsong. I come before the Task Force to make this presentation on behalf of myself and my family. To introduce myself, I can say that I am an educator. I work as a resource teacher at Linden Lanes School in Brandon. I am active within the Teachers' Association and currently a co-chair of the Equality in Education Committee, and a member of the central committee of the Workplace, Safety and Health in the Brandon School Division. On the larger community level, I am sitting on the constituency

executive of my political Party and was recently elected to the provincial executive of that Party. I am also a commissioner on the Human Rights Commission in Manitoba, and I come to speak before you as a woman, a wife and a mother.

In addressing the Meech Lake Accord, I wish to speak to Clause 16 in regard to equality issues and to Clause 7, Section 106A(1), regarding the opting-out provision. I pause to commend the previous Government for their commitment to these hearings, and the present Government for setting up and carrying on this Task Force. I want to say at the outset that I have no objection to the "distinct society" clause.

To begin with equality issues now, let me say that it was 40 years ago last year that the United Nations passed the Universal Declaration of Human Rights which states that "All human beings are born free and equal in dignity and rights." This ideal has been translated into law in many nations around the world. One such law which we can be proud of reflects the intent of the Universal Declaration of Human Rights, is the Canadian Charter of Rights and Freedoms.

In Section 15 the Charter states: "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex or mental or physical disability."

In the case of women and men, this section is backed up by Section 28 which states that: "Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons." Although these rights are guaranteed in law in Canada, we have a long way to go until they are the accepted norm in practice.

In regard to my own family, my mother suffered discrimination when she, after providing for a significant proportion of her family—her mother, her father, a brother and sister, and at times their families during the Depression—she was forced to make the choice between continuing to earn a living or to get married. That is a pretty serious choice. In short, she lost her job upon making the choice to marry because at that time married women were not allowed to hold jobs at the Bell Telephone Company, which later became the Manitoba Telephone System.

It is not necessary to go back that far to see overt and blatant discrimination occurring. In fact, when I began teaching, my colleague suffered from discrimination. This was early in my career, but I can remember clearly a sign which appeared on the staff room bulletin board to the effect that all female employees will resign at the completion of the term during which they discovered themselves to be pregnant. When women faced such conditions on the job, they were forced to choose between continuing to earn a living and having children, a very serious choice. Today this sort of sanctioned discrimination is prohibited by the Charter and by human rights legislation. However, although obvious and intended discrimination is decreasing from our society, there still exists a very serious form of discrimination that is referred to as "systemic discrimination."

Systemic discrimination refers to unintended discrimination that occurs because of historical structures and rules that mitigate against women or other minorities assuming an equal place within a company or organization. If we look at the school system in just one area, that of the appointment of principals to take care of schools, it is possible to see that some sort of discrimination of a systemic nature must be in operation. In the province as a whole, women comprise slightly over 50 percent of the teaching staffs; in Brandon, it is 52 percent. Yet across the province, only 18 percent of the principalships are held by women. In some divisions there are no women holding principalships. As a contrast in Winnipeg No. 1 School Division, where they have in place an affirmative action plan for women to achieve positions of added responsibility—and by the way this is the only such plan in place in Manitoba—34 percent of the principalships are held by women.

* (2220)

It takes a clearly stated plan such as this to surmount the barriers that keep women from participating equally with men in the workplace. This systemic discrimination of which I speak is often so interwoven into the policies and practices of an organization that even those who are perpetuating the discrimination are unaware of its existence. Those who are affected by it also are often perplexed by just what factors are at work.

In the field of music, it was interesting to note that when auditions were conducted behind a screen so that the hiring committees could not tell the sex of the performer, a significantly higher number of female musicians were invited to join symphony orchestras.

One more example is taken from a recent report entitled "Women in Educational Administration in Saskatchewan" by Jane Haddad. In this report the following analysis was given: "Except where affirmative action programs have been installed, women's presence in school administration, if increasing at all, is doing so at an extremely slow pace."

I mention these examples because, while overt and intended discrimination is on the decrease, much is left to be done before real equality exists, and I have grave concerns for the security of equality rights when the Meech Lake Accord contains a clause which specifically protects two rights, that of aboriginal and multicultural rights. I do support those rights.

Of course, I am referring to Section 16. I know that legislators have given their assurance that by mentioning these two groups there was no intent to put the rights of women, the handicapped, the elderly, religious groups and other minorities currently protected by Section 15 of the Charter in jeopardy, but that may be the effect of this provision. The legal community, I understand, has a precedent of considering that when a list of this sort is given that the items not stated are not stated for a reason and are assumed to take a lower priority. Should conflicts arise between the rights of women and those of aboriginal and multicultural groups which will be protected in the highest document in the land, the Constitution, it would seem that the

rights of women would be considered to have a secondary place.

Since it has been stated that the intent to set up a hierarchy of rights was not present in the drafting of the Meech Lake Accord, then I stand with those who say that now is the time to make that clear. This document which will become part of the Constitution will, unlike other statutes, be very hard to amend once it is put in place.

Being in a group who achieved the vote so recently, who were denied jobs if married or pregnant, who had no claim to marital property, have had difficulty assuming debt and who this very day are perceived as strident and offensive when our issues are not being laughed at and trivialized, I feel strongly that it is necessary to be absolutely certain that the gains which the Canadian women achieved in the Charter for equality and the opportunity to have programs designed for the amelioration of conditions of the disadvantaged not be thrown into question or confusion.

To prevent this without undoing the valuable agreement achieved in the Accord, I recommend that the following statement be included in the final draft: "Nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

Now to look at Clause 7, Section 106A(1), I feel that this provision which allows provinces not to participate in national cost-shared programs is contrary to the interests of most Canadians and particularly so of women. Many programs we now enjoy are only possible with large numbers of participants. It gives cohesion to our country to have the same programs and levels of service across the entire land. Although Medicare and the Canadian Assistance Plan are two notable cost-shared programs, I understand that a host of other programs and services are also funded in this way.

As women, we are needing new programs of this type, programs such as national child care services, services for women who are victims of crime and proposals to enforce maintenance orders or to find children. With the opting-out provisions allowed for in Clause 7, it will be extremely difficult, if not impossible, to provide such supports on a nation-wide basis. The difficulty in obtaining the commitment of the provinces to support federal Government initiatives would, I fear, make the inception of new programs very unlikely.

This eroding of the powers of the central Government does not make sense in terms of provisions of service to Canadians, and the vague terms used in Clause 7, such as "national objectives," "initiatives" and "compatible" seem designed to intensify regional inequalities. Standards are the key to success with these national programs, and a strong federal position is needed to maintain such standards.

The attempts by certain provinces to bring user fees into the Medicare system is just one indication of a situation where it was essential for the federal Government to have a strong control over the ongoing program. This control is irreparably weakened with this

clause in the Accord. I recommend that Clause 7, Section 106A (1) be deleted from the Accord to maintain the ability of the federal Government to show leadership in providing needed services to all the people of Canada.

This is a time when strong national Governments are needed to deal effectively with other concerns of vital interest to our people, concerns such as control of multinational companies, preventing and cleaning up pollution and the preservation of our bird, fish and animal species. It's not in the best interests of Canadians to weaken the ability of our Government to deal effectively with shared concerns of any sort. This is probably a time when countries need to be coming together to establish world-governing principles. I cannot see the benefit from fragmentation of our efforts in the manner outlined in the Accord.

To sum up, I am recommending the deletion of the opting-out clause and the protection of equality rights for all. Respectfully submitted.

Mr. Chairman: Thank you, Ms. Robinsong. Any questions from the Members of the Task Force? Thanks again.

The next presenter, Ms. Joanne Sutherland. My list shows you as private citizen, Ms. Sutherland, but I notice your brief says you're representing the Brandon Teachers' Association.

Ms. Joanne Sutherland (Brandon Teachers' Association): Yes, it is with the permission of the Brandon Teachers' Association.

Mr. Chairman: That's an interesting way to put it. Are you representing the Teachers' Association?

Ms. Sutherland: It's been approved by our executive, by our Brandon Teachers' Association executive.

Mr. Chairman, Members of the Task Force, members of the audience, I would like to extend my appreciation to the Task Force for allowing me this opportunity to speak. I am making presentation of this brief on behalf of the Brandon Teachers' Association. Our membership is comprised of approximately 480 teachers. As members of the educational community, we are particularly concerned with Clause 7, Section 106(A) of the Meech Lake Accord which states: "The Government of Canada shall provide reasonable compensation to the Government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives."

Clause 7, Section 106(A) invites a number of questions and concerns because of the ambiguity of certain phrases and concepts which were included in this section. Section 106A refers to "national shared-cost programs." Some federal-provincial programs and activities which could be considered shared-cost programs range from social service programs, such as day care services, which affect many children in

elementary and nursery school, financing strategies for initiation of new programs, university level funding, mature student job training programs, to language training grants for the development of a second language.

• (2230)

At present, shared-cost programs have clearly stated criteria. For example, the criteria for programs under the Canada Health Act include public administration on a non-profit basis, comprehensiveness, universality, portability, accessibility on uniform terms and conditions, provision of information of the operation of the programs.

Section 106A fails to provide such clear guidelines of what criteria would comprise the Accord's shared-cost programs. It fails to define what is meant by the words "a program of initiative that is compatible with national objectives." The absence of a clear definition of "national objectives" would undoubtedly result in regional inequities, thus threatening the universality of child care and educational programs in Canada. Under this section, provinces may choose to opt out of national shared-cost programs and to substitute programs or delete programs that are currently in place. The vagueness of this section of the Accord does not allow for the consistency of standards or equality of opportunity that a national program with unified and definite objectives ensures.

Canadians are entitled to the same level of services regardless of the area of Canada in which they live. Our Canadian Constitution guarantees at present equality of opportunity for all. The meanings of the terms "national objectives, initiatives, and reasonable compensation" stated in the Meech Lake Accord need to be clarified in order to maintain this equal opportunity system. The deletion of Section 106A from the Accord with a guarantee of the paramountcy of Section 15 of the Charter of Rights and Freedoms ensure equality of educational opportunity for all Canadians. This we recommend.

Our second area of concern is Section 16 of the Accord which specifically exempts multicultural and Native rights from being affected by the Accord's guarantees of linguistic duality and the distinct society. This omission of other groups, those of women, minorities, the disabled, gives an opportunity for judicial interpretation that other individual rights are affected by these provisions. Legal precedent would indicate this to be the case.

In contrast, Section 15 of the Charter of Rights and Freedoms clearly states that every individual is equal and forbids discrimination on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, as well as allowing for affirmative action programs nation-wide.

This problem could be solved by adding a statement to the Accord to the effect that nothing in the Accord shall abrogate or derogate from any of the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms.

In closing, I would like to draw your attention to a statement of concern signed by members attending a

recent Equality in Education meeting, which indicates their concern regarding the wording of the Meech Lake Accord as it now stands.

Thank you for your time.

Statement of Concern—Meech Lake Accord

We believe that the equality rights now protected by the Canadian Charter of Rights and Freedoms are jeopardized by the 1987 Meech Lake Accord.

We therefore call upon the Government of Manitoba to refuse to ratify the 1987 Constitutional Accord (Meech Lake Accord) until it is revised to ensure that nothing in the Accord abrogates or derogates from any of the rights and freedoms now guaranteed in the Canadian Charter of Rights and Freedoms.

Mr. Chairman: Thank you very much. Questions from the Task Force? Thank you.

The next presenter, Mr. Edgar Hardy, representing the Rural Municipality of Sifton. Thank you for your written brief, sir. We are ready to hear you speak.

Mr. Edgar Hardy (Councillor, Rural Municipality of Sifton): Members of the Task Force, ladies and gentlemen, thank you for the opportunity to present a brief statement on behalf of the Council of the Rural Municipality of Sifton regarding the Meech Lake Accord.

To bring Quebec into the Canadian Constitution, Manitoba must sign the Meech Lake Accord. This is what our federal politicians of all political Parties are saying. We should accept the flaws of the agreement and negotiate any changes in the second round of talks. Canada is not complete without Quebec. They call it "nation building."

The Rural Municipality of Sifton does not accept this line of thinking. Do we have a guarantee that there will be further negotiations once the Accord is signed? We wonder when and if Quebec ever quit being part of Canada. Was there an agreement or document signed that took away Quebec's status as a province? Quebec did not sign our repatriated Constitution, but still used the notwithstanding clause of this Constitution to ban English signs outside of businesses in the province. Quebec has, since the signing of the Canadian Constitution, received the same federal funding and other services as the rest of Canada. We have to wonder how this could happen if they are supposedly not a part of the Constitution.

Recently, Mr. Trudeau was severely criticized for accepting the notwithstanding clause during the constitutional negotiations. Yet these same people, through the Meech Lake agreement, would remove this clause for all the provinces except Quebec. The Province of Quebec would be free to opt out of national programs and be compensated for this. These are some of the special rights Quebec could enjoy because of the "distinct society" clause. Our question is, how can this be nation building when one province would enjoy this special status and the other nine provinces and the territories would not? How could Quebec ever really

become a part of Canada if they are regarded as different? This can only result in greater resentment towards the residents of Quebec.

The Meech Lake Accord does not address the real concerns of the rest of Canada. There is growing interest in the western provinces in Senate reform, namely, a Triple E Senate. We accept the fact that Senate reform would probably be discussed in later negotiations, but to expect Ontario or Quebec to ever accept the Triple E concept is sheer nonsense. Why in the world would they and why should they? It would be absurd to think that any politician would ever voluntarily give up any political advantage.

For Manitoba to sign the Meech Lake Accord as it stands would be like giving the fox the keys to the chicken housiform, namely, a Triple E Senate. We accept the fact that Senate reform would probably be discussed in later negotiations, but to expect Ontario or Quebec to ever accept the Triple E concept is sheer nonsense. Why in the world would they and why should they? It would be absurd to think that any politician would ever voluntarily give up any political advantage.

For Manitoba to sign the Meech Lake Accord as it stands would be like giving the fox the keys to the chicken house. Quebec would enjoy their sovereignty association while the rest of Canada would be saddled with a sort of political and economic strait-jacket.

The last comment that I would like to make on behalf of our municipality is that we have a certain amount of admiration for the Premier of Quebec. He placed himself on the firing line and stood up for what he thought was best for his province. We would have the same admiration for any provincial Premier who would elect to do the same for their province in the future.

Mr. Chairman: Thank you very much, sir.

Mr. Rick Plaisier, who is speaking on behalf of the Town of Virden, I believe?

* (2240)

Mr. Rick Plaisier (Town of Virden Council): Right. Members of the Task Force, I would like to introduce you to my 12-year-old son, Todd. I think that is a reflection of exactly the people who are going to have to suffer if this Meech Lake Accord goes according as it stands right now.

He did not come up here because Dad threatened him. He came along with me some 50 miles in order to be here because he thought it was a good idea to listen to whatever he has to say and his comments thus far have been, "everybody is saying the same thing," as he is trying to read his book at the same time.

I will make this as brief as possible. I thank you all for the opportunity to make a presentation and I also thank your patience for an evening like tonight, where you are hearing much the same thing.

We have watched the development—we being the Town of Virden council and its citizens—and evolution

of the Meech Lake Accord with a great deal of interest. As proud Canadians situated in the middle of our nation, we feel the balance scale is definitely leaning to the east end of our nation. We feel another injustice is going to develop to give the Ontario-Quebec heavyweights the power to pull strings in their favour at a cost to Western Canada, a cost that would certainly increase the gradual erosion of rights and overall Canadian privileges. We feel the Meech Lake agreement and constitutional amendment are very imperfect indeed. We are very pleased to see two provinces stand up and be heard. This is a very difficult task when the general flow is going in the opposite direction.

In the initial stage, we felt the federal Government was railroaded this "booboo" of the century through Parliament. We were of the opinion that all provinces should hold hearings, and we are extremely pleased to see our Premier saw fit to do just that. So here we are tonight presenting our ideas on what is going wrong about the Accord. We trust that all Members listening to our presentations are doing so with open minds and that you, as elected representatives, will vote in accordance with the wishes of the majority of the electorate.

We ask that Manitoba be the leader in seeing to it we stand fast on this issue. We need to make it apparent to the rest of the nation that this is not a good deal for our people in this part of Canada. We need to be sure this constitutional amendment is changed, so it can redress and handle the traditional grievances that we Westerners have. It must address the two main complaints we hear every day on the streets, the lack of an economic Bill of Rights and the issue of a Triple E Senate. There needs to be a balance between the "Quebec amendment," as we call it, and the "western amendment."

The Triple E Senate—equal Members from each province duly elected and given effective power to make a true equality of all of the regions within Confederation.

The Economic Bill of Rights—this is an absolute must if provinces such as our fine province and those of the even lesser-populated provinces are to have a chance to fully participate in the development and prosperity of our nation. We don't want to be in the audience but rather we want to be an equal player on the team.

We need to be sure all aspects of the economic development of Canada and any programs associated with same aid the process of balancing the population distribution in our nation. Today we have a funnel which dumps population into Ontario and Quebec regions at the sacrifice of the rest of the nation. We need to be sure our Constitution guarantees fair treatment of all Canadians. It will be only through population decentralization we will create a fair political balance in the lawmaking and the overall rule-making bodies in Canada.

These decentralization efforts will give the Manitobans of our nation a fair chance at growth and prosperity. Oh yes, our own Premier and all MLAs need to hear this as well in regard to the situation within our own province. Decentralization from urban to rural is the key that will open the door to equality and improve

quality of life for all Canadians, Manitobans and Virginians.

The Quebec amendment and western amendment must be joined. We are glad the door has been opened for laymen, such as ourselves, to have an opportunity to express our opinions. We need grass-roots opinions expressed. We need the common Canadian ideas, for our nation's greatness has always been based on the feelings and thoughts of its people from all regions of Canada.

Let's be honest. The Meech Lake Accord is really a piece of pie for Quebec but the sugar in that pie comes from western Canada. You ask why? Federal politicians are trying to satisfy the political powerhouse in Quebec. Let's be honest about it. We need to support our own MPs, for their job is not easy facing this unbalanced representation system of our nation. We need to lend our support by making use of the Meech Lake Accord. We need to revamp it to the degree that we Westerners gain our rightful equal step in the decision-making process of our nation.

Our communities and citizens desire this opportunity for the proper type of amended Meech Lake that will net financial and economic positive impacts to our people. We may be asking, what is so wrong with the present Meech Lake deal? Here are just a few problems, and I stress just a few, with this deal.

1. Meech Lake declares Quebec as a distinct society, plus it gives Quebec's legislation the power to legally pass laws which result in a distinct society formation. Under this distinct society status, Quebec is free to isolate itself in any manner it wishes. In addition, Quebec is guaranteed 24 percent of the seats in the Canadian Senate, 33.5 percent of the seats in the Supreme Court and, through our population-guarantee device, to protect forever the idea that this province maintains its present proportion of the population of our nation no matter what population decreases could occur. To add salt to the wound, Quebec is given a veto right on further changes in the Canadian Constitution which could alter this freeze.

Then comes the "pepper" of the deal, the right of each province to opt out and be compensated for any federal-national programs. Monsieur Levesque lost his sovereignty idea at his own polls, but he won it through the "muck" of Meech Lake.

Perhaps Manitoba could have consented to some of this if Manitoba could have had some of its wish list submitted alongside those of Quebec, but no way should Manitoba take a second seat to any province in our nation. What is fair for the goose is fair for the gander. Equal treatment is the only wish.

2. The joke of all jokes is that we Westerners will no longer hold any bargaining position because further amendment will require unanimity. This Meech Lake Accord enshrines a population control device that ensures that each province will be held to their present proportion of Canada's population. This means that no matter what happens in Manitoba in the next 50 years, if our population increases by 50 percent, we still would only have just under 5 percent of the seats in the

Parliament. So would all western provinces be in the same boat except the two favoured provinces, Ontario and Quebec, who would always be in the driver's seat even if their population was to decrease by 50 percent.

We relate this situation to a family. As parents, do we favour our oldest and biggest children? Do we buy one shoe for the youngest child and give two pairs of shoes to the older and bigger ones? Of course not. So why should we accept this deal? If we were to accept this polluted Meech Lake Accord, our prairie provinces would always be the small kid on the block with no hope of breaking out of the strait-jacket that would prevent us from developing and becoming the big kid on the block. Our province is tired of being the ping-pong ball battered around between Ontario and Quebec. Manitoba is past the diaper stage. We have learned to walk and run and, above all, we have learned to talk. Talk we will do, and it is time for the nation to hear us. If we do not take advantage of this opportunity, we will remain with the image that Ontario and Quebec see us now as being the hinterland of the nation.

3. A distinct society set-up of Quebec has frightening overtones, as would any distinct society concept anywhere. It is very clear that the Charter of Rights must be declared to supersede all provisions of the Meech Lake Amendment. Judges for the Supreme Court must be appointed according to their record and expertise, rather than the mother tongue. In a multicultural country such as ours, no ethnic quota need be used for Supreme Court appointment, let alone any other appointments.

4. It is interesting to see this dimension that in order for any further change in the Constitution to take place, it would require unanimous consent of all 10 provinces. Well, as a believer of a true democratic system, the majority should and must rule. If this does not continue in all aspects of democracy, we are indeed not going to see any changes taking place. This aspect certainly does contradict the idea that change re: provincial free trade, Triple E Senate, etc., would ever be seen. We must insist that all provinces be equal. This way we can balance the lopsided parliamentary system we presently have. Let's look south for an example of this, where Alaska, with a population less than Manitoba, stands as an equal to California. Because of its equal status, each have two senators. Each state has equal economic opportunity in a more decentralized nation.

* (2250)

If we were to go along with the suggestion, pass Meech Lake and we'll handle all western concerns later, we would remain in diapers and possibly resort to sucking our thumbs. No, we must tell the rest of Canada that we are equal partners and will not settle for anything less. If western alienation is not addressed, we fear that the frustration that presently exists will ignite into separation from a western point of view. This is not what we want. We feel the time is ripe. The opportunity is unique for Canada as a whole to take a giant step forward into the next century where all Canadians and all Canadian regions can work with equal status, shoulder to shoulder, for the betterment and fair treatment of all Canadians. Therefore, we ask Members

of the committee to recommend that Manitoba continue to stand firm in opposition to the Meech Lake Accord, and by so doing enhance the opportunity for your citizenry to take a huge leap of advancement in future developing, and enhancing our country as the best in the world.

Thank you. Are there any questions? Todd and myself will try to answer them.

Mrs. Carstairs: I just have the one question. I have to tell you that I am very confused about your presentation with regard to numbers in the seats of the House of Commons.

Mr. Plaisier: Okay.

Mrs. Carstairs: As I understand the Meech Lake Accord and the previous constitutional document, you can be limited to having no fewer than the number of seats you have in the Senate, so Quebec could never go less than 24, Ontario could never go less than 24, Nova Scotia could never go less than 10. But there is no upper limit. As your population grew, your number of seats according to each census would increase. We saw British Columbia, for example, go from 26 to 32 in the last result of the census.

Mr. Plaisier: I think we are on the same wavelength there.

Mrs. Carstairs: Oh, all right.

Mr. Plaisier: Okay. It is just that we are saying that we do not like two provinces to have a guaranteed percent no matter what their population is.

Mrs. Carstairs: Alright. Thank you.

Mr. Chairman: Just on that same line, sir, I am afraid I do not follow you. Perhaps you could help me. Every province has a guarantee. Prince Edward Island has a guarantee that it will not fall below four Members of the House of Commons because it has four senators. If Prince Edward Island were to have Members of the House of Commons according to population, it might have two. If you could divide a seat, it would be one and a half. I am sorry. If you could help me to understand what you are saying, I would appreciate it.

Mr. Plaisier: Sure. What we are saying is—we are really picking on the big guys. I am not sure of the Prince Edward Island figures so I cannot relate to that legitimately. What we are saying is that we want to see it equal for everybody. There should be no guarantee of a minimum. It should be equal as much as possible across all the provinces. If they are not going to do that as far as seats are concerned, then have the Triple E Senate in there so that you are going to have that counterbalance. If they are going to rep by pop, then counter it by rep by province, okay, so that you have a balanced situation.

Mr. Chairman: Any other questions? The only other observation, sir, and I am sure you will not mind, you

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are speaking for the Town of Virden and I am sure the Town of Virden would want to be correctly on the record. In fact, Meech Lake does not deal with the vast bulk of amendments to the Constitution that are possible. Meech Lake only deals with the amendment to certain selected national institutions. The great bulk of amendments will still be under the two-thirds majority and 50 percent rule, including the critical issue of the change of powers assigned to the national Government and to the provinces. Your brief in that context I think needs to be corrected, if I may say.

Mr. Plaisier: I agree.

Mr. Chairman: Thank you. Thank you very much, sir.

Now, we return to others who may not have spoken earlier today when I called for them. We will just see whether either of them are here. The first is Mr. Davidson. The second is Mr. Young. Are there any others who would like to speak who did not register with us earlier? If not, ladies and gentlemen, we will be back at ten o'clock tomorrow morning in this room. Thank you for coming this evening and thank you for staying with us so long. Goodnight.

HEARING ADJOURNED AT: 10:55 p.m.

NUMBER

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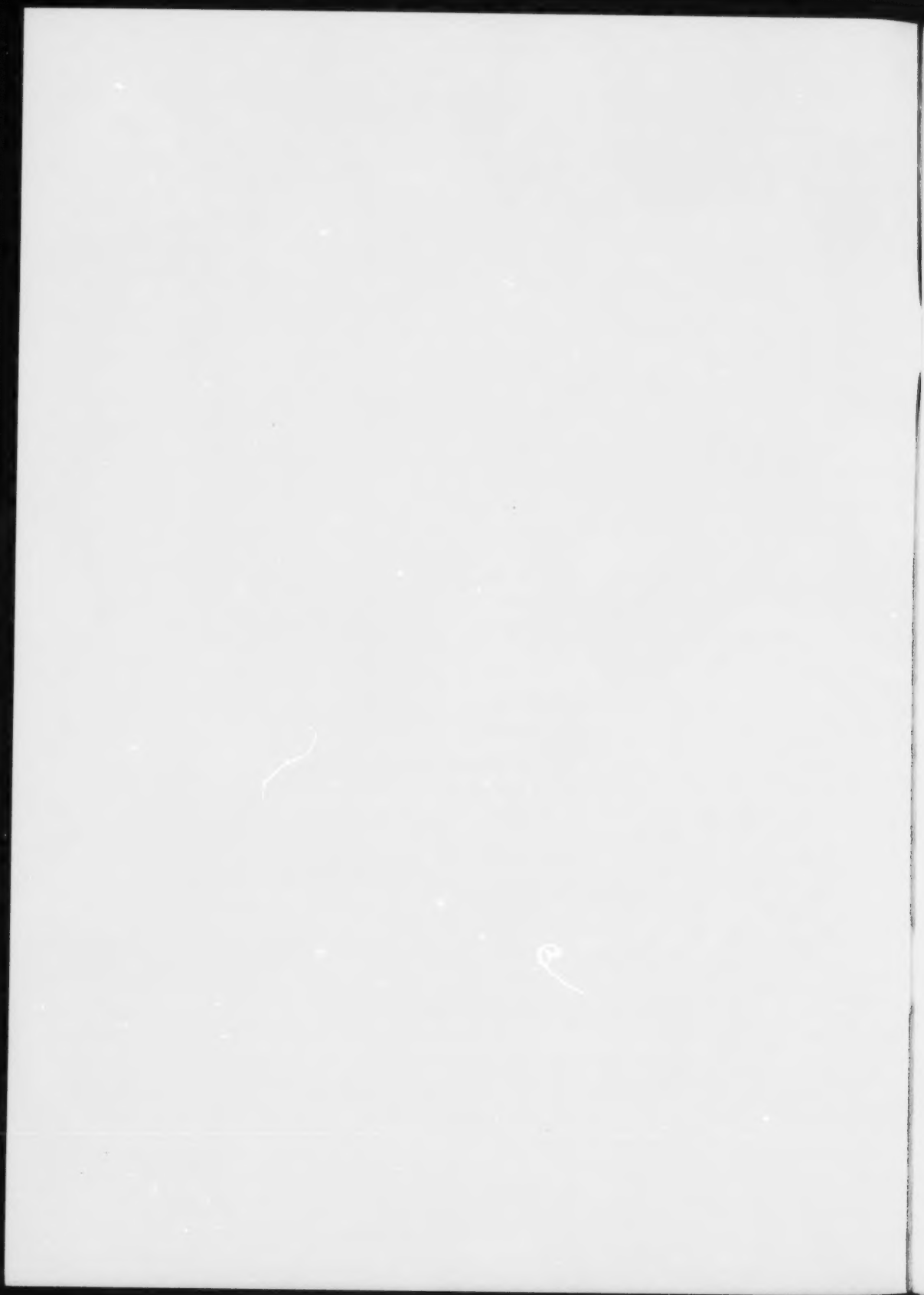


Manitoba Task Force on Meech Lake

April 25, 1989
Brandon, Manitoba

No. 7

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Tuesday, April 25, 1989

TIME — 10 a.m.

LOCATION — Brandon, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

- Mr. James Carr (Member for Fort Rouge)
- Mr. Gary Doer (Member for Concordia)
- Mrs. Gerrie Hammond (Member for Kirkfield Park)
- Hon. James McCrae (Member for Brandon West)
- * Substituting for Mrs. Sharon Carstairs (Member for River Heights), Mr. Paul Edwards (Member for St. James)
- * Substituting for Mr. Darren Praznik (Member for Lac du Bonnet), Mr. Harold Gilleshammer (Member for Minnedosa)

Support staff for the Manitoba Meech Lake Task Force:

- Mr. Binx Remnant, Secretary
- Ms. Kathy Brock, Research Director
- Mr. Vic Toews, Constitutional Advisor
- Ms. Anita Tiessen, Media Relations
- Ms. Bonnie Greschuk, Assistant Secretary
- Ms. Annette Landry, Administrative Secretary

Appearing:

10 a.m.

- Ms. Beth West-Fall, Brandon University Status of Women
- Ms. Gwen Trip, Private Citizen
- Ms. Jean Estabrook, YWCA, Brandon
- Mr. Ken Hanly, Private Citizen
- Mr. Ernest Daniels, Dakota Ojibway Tribal Council
- Ms. Gladys Worthington, Westman Coalition for Equality Rights in 1987 Meech Lake Accord
- Ms. Paula Mallea, Westman Coalition for Equality Rights in 1987 Meech Lake Accord
- Ms. Irene Armishaw, Private Citizen
- Reeve Richard Edmundson, Rural Municipality of Shoal Lake
- Mr. John Mitchell, Rural Municipal of Rosburn

2 p.m.

- Mrs. Ruth Bilowus, Private Citizen
- Ms. Terri Deller, Private Citizen
- Ms. Kim Currie, Kenton-Hamiota Women's Study Group
- Ms. Rachel White, Kenton-Hamiota Women's Study Group

Mrs. Ellen Gould, Kenton-Hamiota Women's Study Group

Ms. Geraldine Guilfoyle, Kenton-Hamiota Women's Study Group

Mrs. Glennis Hodgson, Kenton-Hamiota Women's Study Group

Ms. Shari Hirst, Private Citizen

Mrs. Doris Greenshields, Brandon-Souris Women's Liberal Commission

Mr. Bill Davison, Private Citizen

Matters under discussion:

Public Presentations—Manitoba Task Force on Meech Lake

* * *

Mr. Chairman: Welcome to our second public hearing in Brandon of the Manitoba Task Force on Meech Lake. I am Wally Fox-Decent, Chair of the group. I would like to introduce the other Members of the group who are here with me this morning, and I would ask them to stand and be acknowledged as I introduce them.

The first is the Honourable Jim McCrae, Attorney General of Manitoba and Member of the Legislature for Brandon West. The second and one of the two newest Members of Cabinet is the Honourable Gerrie Hammond, the Minister of Labour, Minister responsible for the Status of Women, Minister of Workplace Safety and Health, and Member of the Legislature for Kirkfield Park. Next is—and I am mixing this up a bit today—Mr. Gary Doer, the Leader of the New Democratic Party in Manitoba, and Member of the Legislature for Concordia. I am pleased to introduce the Deputy Leader of the Liberal Party in Manitoba, Mr. Jim Carr, the Member of the Legislature for Fort Rouge. At the end of the table, the distinguished gentleman with the silver hair, Mr. Harold Gilleshammer, the Conservative Member of the Legislature for Minnedosa. At the other far end of the table—not to in any way indicate extremity of politics—is Mr. Paul Edwards, the Liberal Member of the Legislature for St. James.

So, ladies and gentlemen, we have a full team ready to listen to you this morning and this afternoon on the subject of the Meech Lake Accord. Our purpose is simply that—to hear your views and your opinions as you would care to express them to us. Some of you will give us written briefs, we are grateful for those, but you are most welcome to speak without written brief. The rule is 20 minutes total of speaking. You will hear a bell after 15 minutes, which means you have five minutes left; a second bell at 20 minutes. We would ask you at that point to conclude your presentation. There will then be up to 10 minutes allowed for questions to you by Members of the Task Force.

* (1005)

Some of you might be interested in what happens to all of this information that we are receiving from over 300 Manitobans, who will present to us, have presented to us, to conclude early in May. This Task Force will be taking all the material we have received in oral and written form. We will be examining it carefully and we will be producing a report to the Manitoba Government which will make recommendations on how Manitoba should proceed with the Meech Lake Accord. We have an interesting challenge ahead of us, I am sure you will agree.

Now we are ready for our first speaker this morning. Before I call, however, you will note that Ms. Carothers has been interpreting in sign language for those who are impaired in hearing. If there is anyone who requires her service, would you be kind enough just to lift your hand; if not, she will then take her place in the audience. We also have devices that amplify for the hearing impaired. Child care service is available. Anyone who needs the services of child care, we'll happily provide them and we have translation available English-French and French-English.

Now our first speaker this morning, our first presenter, is Ms. Beth West-Fall, representing the Brandon University Status of Women. Good morning, Ms. West-Fall. You have a written presentation?

Ms. Beth West-Fall (Brandon University Status of Women): Good morning, I do.

Mr. Chairman: May I take those from you? Thank you very much. We are ready, Ms. West-Fall. Please proceed.

Ms. West-Fall: Thank you very much. I'd like to preface my brief by saying how much I appreciate this opportunity, I think, for all of the citizens of Manitoba to have input into this very important issue. I think it's entirely appropriate that it's Manitoba that has influence on something of national impact. Very many sound and important social policies and programs have originated out of the prairie provinces, but I think we really do appreciate the time and the seriousness with which this is being treated.

Brandon University Status of Women's Organization is an affiliation of students, faculty, staff and alumnae concerned with women's rights within an educational setting. Our primary objective is to enhance the status of women in society by eliminating barriers and discriminatory practices in education, research, hiring and promotion. Consequently, our opposition to the Meech Lake Accord is based on those elements of the Accord which we feel will have a negative impact on the status of women in Canada.

Declared persons under Canadian law as recently as 60 years ago, women have still not achieved a position of full equality in Canadian society. Women's participation in the work force has increased dramatically in the past four decades, yet women are still ghettoized in low-paying service industry jobs. Although more than half the population of Canada is female, women comprise only 13 percent of elected Members of Parliament. Access to positions of influence and power is still largely restricted to men.

Women have, nonetheless, made great progress in Canada and we are proud of the many positive achievements of our sisters, and proud of our country which provides protection and support for women striving to achieve equality. The protection afforded all Canadians under the Charter of Rights and Freedoms creates a framework within which women's aspirations to become full and equal partners in society can be realized. Systemic discrimination, in the form of limited access to education and training, discriminatory hiring practices, pay inequity, sexual and gender harassment or disenfranchisement, is no longer condoned in Canadian society.

Under the Meech Lake Accord as it now stands there exists the danger that the hard-won rights of women and of minorities will no longer be protected. By creating an implicit hierarchy of rights and by specifically protecting the rights of some groups and not others, the Meech Lake Accord jeopardizes the rights of women.

* (1010)

Of additional concern to Brandon University Status of Women Organization is the fact that the Meech Lake Accord would allow provinces to opt out of national social programs. It is essential that Canadian women, the major consumers of social programs, have equal access across the country to health and welfare services. The Meech Lake Accord, intended to reunify the country, would effectively cause the balkanization of Canada.

It has been noted that the Canadian Constitution is less than perfect in that it cannot guarantee protection for all citizens. The Meech Lake Accord would not only exacerbate that weakness but would make future constitutional change virtually impossible to achieve. It is, therefore, essential that the concerns of Canadian women and minority groups be heard before the Meech Lake Accord is ratified.

The Brandon University Status of Women Organization urges the Manitoba Government to withhold its support of the Meech Lake Accord until the rights and freedoms presently guaranteed under the Charter of Rights and Freedoms are fully and equally protected. Thank you very much.

Mr. Chairman: Thank you. Would you just remain in case there be any questions? Mr. Doer.

Mr. Gary Doer (Member for Concordia): Thank you very much for the presentation. I certainly have no argument with the points you've raised. Dealing with an issue not in the brief for a moment, Brandon University has been in a leadership position in Native education. I noticed there were not any recommendations dealing with the aboriginal issues in the Constitutions and the process of the constitutional reform as it affects our aboriginal people. Were there any discussions of your group on those issues and do you have any comments to make to the committee on that issue?

Ms. West-Fall: Certainly there was discussion. We felt, as a Status of Women organization, it was really

inappropriate to try and address all the problems. I could have presented a brief representing my own views on the Meech Lake Accord that would have been much more lengthy but we focussed on the one aspect that our organization is geared to address.

Mr. Doer: Okay. Thank you.

Mr. Chairman: Any other questions? Thank you very much Ms. West-Fall.

The next presenter is Ms. Gwen Trip. You are appearing as a private citizen, Ms. Trip?

Ms. Gwen Trip (Private Citizen): Yes, I am.

Mr. Chairman: Thank you.

Ms. Trip: I am also affiliated with the group that is protesting the absence of women's equality rights, but this presentation is my own feeling about the Accord.

After writing this, I reread the Senate Minutes of July 12, 1988, and I found supporting quotations which I am going to insert as notes into my discourse here.

Senator Lowell Murray, in a recent letter to the Brandon Sun, closed by suggesting that the Meech Lake Accord describes Canada as it is. This is partly true, I believe. The Accord also dictates radical changes for Canada, changes not envisioned by our founding fathers, and not friendly enough to future generations.

At the outset, I would like to make it clear that I am a believer in the peaceful co-existence of two principal languages across our country. Also, should the Meech Lake Accord be ratified, I do support a preamble confirming equality rights for all groups as enshrined in the Charter of Rights and Freedoms.

I would like to bring your attention to page 8 of these Senate Committee Minutes. The federal Government and provincial Governments must be directed not only to preserve, but to promote linguistic duality. A professor from the University of Ottawa—he is in the Law Faculty and his name is Michel Bastarache—feels that the Accord would diminish linguistic duality.

* (1015)

Let's envision a prosperous booming western economy with strong public support for the safety net of social programs. Increased immigration could contribute to this. StatsCan figures indicate that between 1979 and 1985 immigrants and refugees created 9,000 jobs besides their own. We need their voices, their votes, their taxes and their bright ideas for our future in the West.

The Meech Lake Accord suggests an immigration quota could be assigned for each province, a quota related to the present population of the provinces. Surely Manitoba would need a much larger quota than the populous provinces of the East. Yet this does not seem to be the plan. There is a plan, moreover, to transfer federal responsibility for immigration to the provinces. Such a fragmented approach to immigration and to refugee reception will hardly earn us another Nansen medal.

I would like to refer now to a quote from Brian Schwartz from the University of Manitoba. He says: "The immigration clauses should be refined to make it clear that Quebec's allotment is a target and not a quota. If this is a first step in providing that all provinces get a proportionate representation by population, in terms of immigration, it is clearly unacceptable to less populated provinces like Manitoba."

New provinces of Canada are likely to be created in the North and West of this country, perhaps as a result of changes in population and economic activity there. Increased northern and western votes would benefit the prairie provinces by increasing the strength of the western presence in Ottawa. I do not welcome the limits placed on the creation of new provinces. We are being asked to sing in 10-part harmony on this issue, and the possibility of discord is too great.

At this point, I would like to give you two quotations. One is from the people of the Yukon and the Northwest Territories in this Senate report: "The people of the Yukon and the Northwest Territories feel that the constitutional amendments currently under scrutiny by this Chamber would relegate them to a colonial status from which they would never recover."

The second quotation is from Premier Bourassa in March of 1988. He said about new provinces: "As far as new provinces are concerned, I do not have to elaborate on the threat which the addition of new provinces would represent for Quebec's collective wealth, especially in the regions where natural resources could become fully developed." So I think these quotations do shed light upon the motivation perhaps behind the new provinces part of the agreement—the Accord that is.

Though there seems to be, within the Meech Lake Accord, a wish to limit and preserve the status quo on population distribution and on the Canadian political structure, new elements are being introduced by this document. I refer to the fixed annual meetings of First Ministers. This puts an extra floor into the office building of Government, so that the top level of the federal structure is thereby further removed from direct voter contact. Is this the Canada that our founding fathers envisioned? Is it an improvement? We may ultimately have more committee Government and less open, vigorous, parliamentary debate.

At this point, I found there was agreement with me from the Canadian Council on Social Development. They have stated that, "the institutionalizing of First Ministers' Conferences would limit meaningful public discussion on constitutional change, and it would result in the interposition of a new governing instrument superior to Parliament."

* (1020)

Another new element present in the Meech Lake Accord is the possibility that provinces may choose to opt out of national social programs. There is supposed to be a transfer of funds to the provinces to accomplish this. Surely regional inequalities will result in the important areas of health care and day care, and national standards will be difficult to establish. I found

that the Canadian Nurses' Association have said about this, "the opting-out consequences endanger the universality of the health care system, not only for future programs but for existing programs."

Funding for Canadian Native groups and for the disabled will be at risk if the federal Government retreats from a strong central role in financial planning. The opting-out clause particularly weakens the east-west link that was of primary importance to the founders of Canada.

I'm sorry, I did want to just backtrack a bit here. I missed a note here. I said that the federal Government should not retreat from a strong central role in financial planning and I found there was agreement here from the Prairie Treaty Nations' Alliance. They said, "Under the present Accord, there is no guarantee that we would continue to have access to federal programs." That comes from that Native group.

The opting-out clause particularly weakens the east-west link that was of primary importance to the founders of Canada. The provinces will not be united by very much, except by their desire to elbow each other to get federal funds.

At this point, I would like to quote the Canadian Teachers' Federation. They were also worried about the east-west link but they saw the threat coming from Supreme Court appointments. They said when the provinces are putting forward a list of names of people for the Supreme Court it would seem to be in the interest of the provinces to put forward a list of people who might be more interested in a decentralized version of Canada than in a centralized version of this country, and the Quebec Association of Protestant School Boards said that it's possible the court would become politicized by this system. I believe that is also true.

Quebec's new status as a distinct society will render indistinct the image abroad of a strong united Canada. It is my belief that the Meech Lake Accord will not build greater social and political strength for Canada. It represents in many ways a return to colonial days.

Here in Note 8 I have an extra paragraph of my own. The Meech Lake Accord will destroy Medicare much more quickly than will the Free Trade Agreement. However, the most undemocratic feature of the document is its treatment of northern citizens, Native, Metis and white. We will have to take the "strong" and "free" out of our national anthem and if they can't appoint judges then the "true" will also have to be deleted. How can a democracy stamp out the present political claims of an important section of its citizenry and also cancel the future claims while remaining democratic?

Manitoba has been truthful and strong in questioning the wisdom of Meech Lake changes. I hope that this signals the Manitoba Government's determination to stand firm in demanding a better deal for all Canadians.

Mr. Chairman: Thank you, Ms. Trip. The first question is from Mr. McCrae.

Hon. James McCrae (Member for Brandon West): Ms. Trip, thank you for your presentation this morning. You

began by saying that you associated yourself with regard to the equality rights aspect of our Constitution with others who have spoken about equality rights. Have you been involved in the discussions with the Westman Coalition, for example.

Ms. Trip: Yes, I have.

Mr. McCrae: Okay. I am not a constitutional lawyer or a lawyer of any kind, but I do understand from those who know better than I that there are three different types of clauses in these documents. In descending order of strength or power, we talk about substantive clauses, interpretive clauses and clauses that might be called preamble clauses. You suggested early in your presentation that you would support a preamble confirming the equality rights and I am wondering if you meant something more substantive than a preamble.

* (1025)

Ms. Trip: Yes, I have a personal dislike of—actually a political dislike of the Meech Lake Accord and I am hoping that it does not become ratified by all the provinces. In a worst-case scenario, I support a preamble because if it is going to be ratified then at least the preamble will ensure equality rights, but there are other things about it that I dislike even more strongly, and I aligned myself with that group because I felt they at least were examining—they were one group in town that I knew was examining the Accord.

Mr. McCrae: A supplementary, the Westman Coalition has been very active and taking a very key role, I believe, in assisting the Task Force and in gathering support for strengthening of equality rights. The point that I would make again is that you mentioned a worst-case scenario, where you might accept a preamble. Maybe when Ms. Worthington and Ms. Mallea come forward, I could ask them. The worst case is the preamble, as I understand it, and something more substantive in terms of a substantive clause or an interpretive clause would strengthen it even further and, I assume, make you feel more comfortable if Meech Lake is to go forward at all.

Ms. Trip: If Meech Lake goes forward, I would certainly support that. I am hoping that it doesn't go forward.

Mr. Paul Edwards (Member for St. James): Ms. Trip, you talked about the shared-cost programs, and the concerns you had about the provision in the Meech Lake Accord that deals with those. You have said that you would prefer if none of the Accord went forward.

In respect of the section about shared-cost programs, do you prefer that to be knocked out entirely, or would including both standards and objectives meet your concerns? As you will notice, standards and objectives, those two words are both used with respect to the immigration section. Yet when it comes to shared-cost programs, the only term is "objectives." Would adding standards meet your concerns in respect of that section?

Ms. Trip: No, I feel that to make it a provincial matter rather than a federal matter would be wrong for health care. It would also be wrong for immigration, as far as I'm concerned. I like to keep those things federal.

Mr. Chairman: I wonder if you are aware, Ms. Trip, probably you are, that immigration is presently a shared power between the provinces and the national Government under Clause 95 of the 1867 Constitution Act. In fact, seven of the 10 provinces have entered into agreements with Ottawa regarding immigration. Manitoba is one of three provinces that has not. Were you aware of that?

Ms. Trip: No, I haven't done my homework to that extent, but I don't find it too surprising. For one thing, I'm an Amnesty International member and Amnesty is one of the groups that is lobbying to change the refugee laws. So I feel that if we have to go to 10 different places to change refugee laws, it's much more difficult than going straight to Ottawa. For instance, that's my concern there.

Mr. Chairman: Understood. Are there any other questions? Thank you very much indeed.

The next presenter, Ms. Jean Estabrook, representing the YWCA of Brandon. Good morning to you, thank you. Thank you for your written brief, Ms. Estabrook. We're ready to proceed.

Ms. Jean Estabrook (YWCA, Brandon): Thank you, Mr. Chairperson. On behalf of the Brandon YWCA, I'd like to thank the Task Force for the opportunity to appear and give submissions today.

The YWCA in Brandon has had a long history, over 70 years, of supporting the struggles of women of all ages to improve their status so that they may achieve full equality. We support the position of the other women's groups, including the Manitoba Advisory Council on the Status of Women, the Action Committee on the Status of Women, and the Westman Coalition for Equality Rights concerning the 1987 Meech Lake Accord.

* (1030)

This year, the Board of Directors of the YWCA has adopted a mission statement that commits us to reaffirm our support for women's rights to equal status and self-determination; that pledges the organization to assist women in their efforts to develop skills and strengths in order to facilitate equal status; that acknowledges the need for institutional change; and that urges all institutions to offer parity with men in all spheres.

This commitment underlies all of our policy and our action in the area of equality for women, including the submission.

We welcome the efforts of Prime Minister Mulroney and the provincial Premiers to bring about Quebec's full participation in the Constitution through the Meech Lake Accord. However, we have grave concerns about the Accord and we are addressing you today on two

of those concerns: our concern for women's equality rights, and our concern for the impact of the Accord on national cost-shared programs.

Dealing with the first issue, Section 16 of the Accord specifically protects Sections 25 and 27 of the Charter, those clauses guaranteeing aboriginal and multicultural rights. Put another way, this section exempts multicultural and aboriginal rights from being affected by the Accord's guarantees of linguistic duality and distinct society. By inference, this clause opens the possibility that those rights not specified, including women's equality rights, as specified in Sections 15 and 28, may not be protected. This creates a hierarchy of rights and, judging by the Supreme Court of Canada's approach in similar situations, this may result in an exclusion from protection of women's rights.

Future decisions of the Canadian courts cannot be foreseen at this time. Consequently, women's rights and our quest for equality may be jeopardized by the Accord as it is presently written.

The YWCA sees Sections 15 and 28 of the Charter as providing critical impetus for women to achieve equal status with men in all aspects of the society. If this Accord is entrenched in the Canadian Constitution, as is proposed, it is possible that future Governments may use the Accord's provisions to override the Charter's guarantees of equality for women. For example, language-oriented affirmative action may override affirmative action programs for women.

There is no question that women and other minorities do not enjoy equal status in our society. As recently as October of 1984, the Royal Commission on Equality and Employment stated that what is happening to women, to Native peoples, to disabled persons and to visible minorities is not fair. Many people in these groups have restricted employment opportunities, limited access to the decision-making processes that critically affect them, little public visibility as contributing Canadians and a generally circumscribed range of options.

Since 1911, the Brandon YWCA has provided services to women and advocated changes in legislation and employment policies which enable women to participate fully in the economy. The Accord, as it is presently written, may jeopardize what we have achieved. To ensure that women's equality rights are protected, the Brandon YWCA recommends that changes be made to Clause 16 of the Accord to include Sections 15 and 28, or that that clause be deleted and a provision inserted stating that the Charter of Rights prevail over the Accord.

Our second area of concern is national cost-shared programs. Section 7 of the Accord allows provinces to opt out of national shared-cost programs if the province carries on a program or initiative that is compatible with national objectives. This provision raises two areas of concern for the YWCA: first, that the limiting of federal spending powers will negatively impact on programs that are offered; and second, the potential for diversion of funds intended for social, educational and health care programs from which women and their children benefit. We are concerned

that any erosion to those types of programs may affect women adversely.

We have concerns that the renewal of the existing fiscal arrangement, including Canada's health care system and cost-shared programs, such as the Canada Assistance Plan, may result in inequitable access to and quality of services for women from province to province.

We are also concerned that the Accord may result in the fact that shared-cost programs such as child care may never again happen.

The YWCA believes in universal, accessible, affordable and comprehensive national social programs. Without definitions of such terms as "national objectives" and "compatible," and without national standards, the opting-out clause endangers equal access to social programs for all Canadians. The standards for existing programs may be in jeopardy and future national programs may never again be possible. We, therefore, recommend that Clause 7 of the Accord be deleted in total.

While the Brandon YWCA applauds the efforts of Canada's First Ministers to bring about Quebec's full participation in Canada's Constitution, we recommend that the Manitoba Task Force on the Meech Lake Accord call for amendments to the Accord. We believe there is room for full and equal participation of both Quebec and women in our Constitution. To ensure that women's equality rights are guaranteed and that a high quality of accessible national social programs are possible, amendments to the Accord must be made.

Mr. Chairman: Thank you. Questions begin with Mr. Carr.

Mr. James Carr (Member for Fort Rouge): Thank you very much, and thank you for your excellent presentation. You say that it is possible that future Governments may use the Accord's provisions to override the Charter's guarantee of equality for women. We have now, through the 1987 constitutional Accord, the notwithstanding clause, which allows provincial Legislatures or the federal Parliament to say, notwithstanding what is in the Charter, we are going to override those rights. Is it your view and is it the view of the YWCA that the notwithstanding clause within the Canadian Constitution be removed?

Ms. Estabrook: Yes, we view the notwithstanding clause as being a further avenue of opportunity for Governments if the political pressure on them is sufficient to erode women's rights, and we would support the deletion of the notwithstanding clause.

Mr. Chairman: Any other questions? Mr. Edwards.

Mr. Edwards: I just have a brief question, just to clarify on the presentation. With the amendments you have proposed and the deletion of Clause 7, is this a desirable Accord? In your view, is this something that would be good for the country, excepting those amendments you have put forward?

Ms. Estabrook: The concern of our organization has focused on the impact of the Accord on women's equality rights and on social programs. As to the entire Accord, we have not taken a position. We view the participation of the Province of Quebec as essential. However, we also see that the Accord, as it now stands, is not protecting the people it should protect.

I think it is fair to say that we have overall concerns about the Accord as a whole. The process we are participating in is, I think, something that should have happened before we got to this stage in the process. Our organization and I think Canadians as a group view the constitutional process as a citizen-based process. We shouldn't be patching up things now. We shouldn't be hearing from the people now. It is not the province of 11 First Ministers to make these decisions, and so I support what the other groups of it said about the need to listen to what people want. However, that can't be taken as an indication that we do not support the wish to have Quebec in the Constitution. That clearly is essential for our country.

Mrs. Hammond: I just have one question. If the changes that the YWCA is suggesting are made, does the clause which mentions Quebec as a distinct society still have problems?

Ms. Estabrook: We feel that if the Accord makes paramount the Charter, that the organization would not have problems with the "distinct society" clause. What we feel is essential is that women's equality rights are specifically made paramount or that the entire Accord make it clear that the entire Charter is paramount. Of the two, I think we would support the second if we were given a choice. What we have is the possibility, and based on past Supreme Court of Canada decisions, the distinct possibility that we will have a conflict between the two levels of Constitution, the Charter and the Meech Lake Accord. We are concerned that the specific constitutional provisions of the Accord may override in fact the Charter guarantees, if it is not clear in the Accord that the Charter is paramount or that there are specific amendments to the relevant section that protect women's equality rights in addition to multicultural and aboriginal rights.

Mr. McCrae: In answer to one of the questions—maybe I didn't hear you correctly—but I think you made a reference to the process that has been gone through to this date and said something to the effect that we shouldn't be discussing this in this way at this time. Is there something that I've missed there or is there something wrong with the process we're carrying out here in Manitoba?

Ms. Estabrook: Not at all. My remark was that we shouldn't have been put in the position of trying to cobble together and make changes to something that has already been passed. I think the process that resulted in the Meech Lake constitutional Accord was backwards, that what you're hearing now should have been heard before the 11 Ministers met and put together an Accord. That would have eliminated the need for groups to come forward now with changes to some extent and would have, I think, resulted in a far better Accord.

Mr. Chairman: I'll see whether you're off the hook. Any more questions? Thank you very much.

Ms. Estabrook: Thank you.

Mr. Chairman: Our next presenter is Mr. Ken Hanly. I show you presenting as a private citizen, sir. Is that correct?

Mr. Ken Hanly (Private citizen): Yes, that is correct.

Mr. Chairman: Thank you. We are ready, sir. Please proceed.

Mr. Hanly: Thank you very much. There are two main groups of problems with the Accord, as I see it. The first group concerns the way in which the Accord was established. They are what I call "process issues." The second group concerns the substance of the Accord.

Now first then to the process issues. Many critics have noted the fact that the original agreement, and the Accord itself, were negotiated behind closed doors in the utmost secrecy. It seems to me this is a strange and unacceptable way for our leaders to negotiate a document that may very well have lasting effects upon our nation for many years to come. This lack of public debate and involvement before the agreement was reached shows a great lack of concern and respect for the general public. I think all of us should feel betrayed, not just by our Prime Minister, but by each and every First Minister, for even if this agreement were flawless, which it certainly is not, the process itself was from the very beginning inconsistent with the spirit, if not the formal legalities, of the democratic process.

There were, of course, public hearings on the Accord, but the conditions under which this took place made a mockery of the process. The hearings occurred only after the Meech Lake agreement had been turned into a legal document, so it would be very difficult for any changes to be made. The Prime Minister made it clear that although he would consider amendments to the Accord, he wouldn't act on them, which makes it sort of useless to present amendments, I should think, if there is not to be any action taken on them. He had made commitments to the Premiers not to change the Accord. Now it is true, as people have pointed out, that if amendments were made, the agreement might very well become unstuck, and so be it. If you've done the thing wrong, if you've gone through a process which is incorrect, perhaps it should become unstuck. That's my position.

However, if amendments are to be considered but not acted upon, what is the use of proposing them? There is no use at all. What we had is a paradigm case of public participation as window dressing. As if to confirm this interpretation, in case there was still any doubt, the public hearings were held in August at the height of the summer vacation period, and they were held in only one city—Ottawa. So the Meech Lake Accord came about through a process which was shrouded in secrecy and it allowed public participation only after all the Ministers were committed to a legal document. So, in effect, public participation was, in

practical terms, nil. In my opinion, this is no way for our provincial and federal Governments to treat the Canadian people.

There are two further difficulties concerning the process, which I'll discuss briefly. The original agreement was quickly turned into a legal document. We must ask, why the haste for this? Why turn the agreement into a legal document, write it in stone so to speak, before there is any public participation that has taken place? Why didn't the negotiators return to their constituents to test public reaction, at this stage, before the agreement had hardened into legal terms?

Furthermore, drafting a legal document within such a short space may have been the source of some of the weaknesses in the Accord. In fact, they were so secretive about these things—in many cases, they didn't have legal experts in the meetings with them. So they didn't know what they were talking about half the time from my understanding of what happened.

As a result of this quick drafting, key terms such as "distinct society" are not at all clear in their legal implications that you find one group arguing on one side, another group arguing on the other. For example, Francophone women find nothing difficult as far as the distinct society is concerned. They don't feel there are any difficulties for women's rights. As we've heard from other presentations today, other people interpret it quite differently.

Does the obligation of Quebec, for example, to promote the distinct identity of Quebec, give it the power to pass language legislation that may be in contravention of the Charter of Rights?

Even if you took out the notwithstanding clause from the original Constitution, it is not at all clear in my mind that Bourassa would not be able to pass language legislation which contravenes the right of the Charter on the basis of the "distinct society" clause. That is not at all clear. The reason it is not clear is because this document was not drafted in clear legal terms.

Other ambiguities surround clauses such as 16, which note that the distinct society provisions of Section 2 do not affect certain rights under the Canadian Charter of Rights and Freedoms and/or the Constitution enacted 1982 and 1867. However, various women's groups believe that women's rights may be threatened by the fact that they are not specifically mentioned in the Accord.

My point is not that either of these groups is right. My point is that this was a result of the process that there was not careful drafting and this is part of the difficulty in the Accord. So the whole process might be described as the accommodation of elites. They were exhausted elites at that, from my understanding of the process. Ambiguities are left to be settled, not by the people or even by the people's representatives, but by another elite, the Supreme Court of Canada, of course appointed by the original elite 11 in the first place.

* (1050)

Okay, so we'll go on to difficulties in the substance of the Accord, and I'll look at five of these: first, the

powers of the federal Government versus the provinces; second, appointment of senators; third, creation of provinces; fourth, appointment of Supreme Court judges; and fifthly, the impacts of the Accord on rights.

Some people have already spoken of the impact on the powers of the federal Government. What I point out is that some critics say that while this involves a misunderstanding, that the federal Government really doesn't have that much power as far as cost-shared agreements are concerned now, they can't really impose uniform standards. What has been happening in my opinion is that the federal Government has been gradually relinquishing its powers over these programs and that these have been entrenched now in the constitutional Accord. So any future shared-cost programs and any future of the welfare state, as far as its being initiated by the federal Government is concerned, is in jeopardy.

Now I won't go through this. You can read this for yourself, but in summary, and I'd like to quote from an article which makes things fairly clear, it seems to me. This person isn't a person who particularly takes my point of view, but I think he sums things up quite well. This is from an article by Keith Banting: "For social groups dedicated to the expansion of the Canadian welfare state on a nation-wide basis, the Meech Lake Accord carries risks, indeed." That is true. "In comparison, commentators who are concerned primarily with the capacity of the Canadian economy to adapt to a changing international economic order and who therefore emphasize the need for flexibility and efficiency in the operation of existing social programs there tend to be more supportive of Section 106A." That's the opting out with compensation clause.

What that means, in effect, is that the Meech Lake Accord is going to make it extremely difficult for there to be any uniform cross-country national welfare programs imposed on the provinces, and what may happen is that we'll have a balkanization as far as welfare programs are concerned. The idea that Prime Minister Trudeau—if I can mention that name—of a "just society" is going to be much further from reality than it even was when he was in. It was quite a long way from it then, I might say. So that is the first issue.

One should also note, as Banting does, that the courts would have to weigh rights under the Charter against the claims of the "distinct society" clause, for example, but there is absolutely no constitutional injunction which forces policymakers to consider the needs of the poor and/or the vulnerable on a nation-wide basis. So our Constitution really has nothing in it which entitles the poor to any special rights, or the needy. The only people who get in the Constitution and get constitutional rights are those who have the most clout. I suppose that happens in other areas too.

The appointment of senators, Section 41(b) and (c) of the Accord require that only where authorized by motions of the Senate, House of Commons, and of the Legislative Assembly of each province shall changes be made to the powers of Senate, the method of electing senators, the number of Members by which a province is entitled to be represented in the Senate and the residence qualifications of senators.

It seems to me these requirements, in effect, freeze the Senate in its present state for the foreseeable future, or at least it will make reform extremely difficult. You are going to have to get the agreement of every province on changes, as far as the Senate is concerned, before these will be accepted. So it's unlikely, it seems to me, that a consensus concerning what changes should be made exist among all provinces and the federal Government. All you need is one holdout in order to destroy the whole process. As in other instances, what seems to have happened is that our elites have made it most difficult to change the status quo. This should be infuriating, I should think, in the light of the fact there is a growing movement to reform or even abolish the Senate. In particular, there is a growing demand to have an elected Senate if the institution is to remain.

I don't say it's impossible to have that under the Accord. I just think it's going to be very difficult. I mean, one province such as Alberta could informally have an election for a senator and put that name forward, and so forth. Perhaps in 50 years, another province might come along and do the same thing—I don't know if they can get over their patronage hangups. That's possible, but it seems to me that it's unlikely and it will take a considerable length of time.

Formation of new provinces, Section 41(h) and (i) also require authorization by all provinces and the federal Government to any extension of existing provinces into the Territories, or formation of new provinces. Now this requirement gives the Territories no power to determine if they are to become a province or to link up with an existing province.

Everything again is made dependent upon the will of the elites that signed the deal. I think it was a great deal for the 11 Ministers and the Prime Minister, but not for anybody else. This seems to me as an insult to the people of the Territories and should be condemned by every fair-minded citizen of existing provinces.

Appointment of Supreme Court judges, there is no doubt that federal patronage has now been superseded by joint patronage in the appointment of federal judges. Also, the long-standing practice of appointing three judges from Quebec has been put in the Constitution. Our judiciary seems to have a constitutional horror, if I may use that word, of sullying the objectivity of judicial elites by having the unwashed public participate in the appointment of judges. Even these high priests of the law, however, have recommended that prospective appointments be reviewed by a committee of the House of Commons, in camera of course. This seems a good idea if it were to be supplemented by public input into the process. The process authorized by Meech Lake reflects only the interests of those who were party to the agreement, giving the provinces the right to nominate candidates and the federal Government the final choice. Everyone else can sit and wait, including those who were in the Territories.

Finally, the impact of the Accord on rights, much of this has been gone over and I don't want to repeat it. It seems to me what the impact of the Accord on rights is that those who have power to enforce their views of their rights have gotten into the Accord; those who

don't have not. What we have is what Evelyn Kallen calls a pecking order established by the Meech Lake Accord—a pecking order of rights.

There is certainly a definite priority given to the founding majorities. Given that the Accord was negotiated with the prime purpose of getting Quebec on board as far as the Constitution is concerned, it's not surprising that it's the right of Francophones and Anglophones that are stressed in the Accord. Section 2 of the Accord recognizes Quebec as a distinct society and also indicates that Quebec is to preserve and promote this distinct society. It was only an immediate response by multicultural and aboriginal groups that managed to produce Article 16 which says that our multicultural heritage and the rights of aboriginal peoples are not to be affected by Section 2. Of course, this has led other groups to protest, as women's groups are protesting now, that since their rights are not mentioned specifically that they may not be protected. This is certainly one of the complaints of many women's groups.

* (1100)

Secondly, aboriginal rights, aboriginal people are notably upset by the fact that there is specific and explicit recognition of the two founding majorities and that Quebec is recognized as a distinct society constitutionally, while no progress has been made on defining the constitutional rights of aboriginal people. They should be worried about things becoming unstuck. They never got anything stuck together in the first place. There is nothing in defining the constitutional rights of the aboriginal people nor on what self-government they may enjoy under the Constitution. They were not participants in Meech Lake. Furthermore, the Territories and the Yukon, where a substantial number of the aboriginal people live, were in effect totally snubbed in making it a requirement that all 10 provinces and the federal Government must agree before they can gain provincial status.

Now, women's rights have been treated, I think, quite adequately. I just note that one of the things that could be done is at least specific mention should be made of women's rights in Section 16. That way at least we would make sure that there is no conflict, presumably, with the Charter of Rights.

Another issue which I have not heard addressed this morning is the relationship of the Accord to Anglophones within Quebec and Francophones outside of Quebec. Now, given the division over linguistic sign wars and the use of the notwithstanding clause by Quebec, it is not surprising that Anglophones within Quebec feel that the "distinct society" clause threatens their rights within Quebec. Quebec is given distinct society status and is required to preserve and promote that status within Quebec. That would give Bourassa some argument, I should think, to say that he is not doing anything wrong.

Outside of Quebec, however, Governments are only to preserve the fundamental characteristics, that is, of Francophones being centred in Quebec but also occurring elsewhere in Canada. Because of this,

Francophones outside of Quebec fear their rights will be virtually frozen and/or their linguistic rights may deteriorate because there is no encouragement at all for any province outside of Quebec to give any sort of greater rights to Francophones within those provinces. So, it not only hurts Anglophones within Quebec, it hurts Francophones outside of Quebec. I think a group such as the Acadian Francophones in New Brunswick, in particular, must be worried by this sort of aspect of the agreement.

Finally, other minorities, if you are a member of the major ethnic founders, your rights are somewhat spelled out. If you are a member of a reasonably powerful lobby group, you are given negative and unspecified rights under Section 16 of the Accord. Non-ethnic minorities such as the handicapped, the poor, will be given no constitutional rights as it stands.

In conclusion, I would say that the Meech Lake is seriously flawed, both in the substance of the Accord and in the process by which it was developed. The solution is to start over at square one, to have a process in which there is genuine citizen participation and which results in the needs of all Canadians, not just those of our First Ministers, being met.

Now, critics say that this means that the Accord is actually a marvel of Canadian muddling through. I have seen things like this, it has all these marvellous checks and balances. It is a subtle accommodation to conflicting forces, etc., etc. Or we might ask ourselves, perhaps it is some sort of sacred covenant which it is unholy to break, we cannot touch, or maybe it is some sort of subtle balancing act which, if we blow any criticism at it, it is going to all fall over and be destroyed.

Now, Canada has survived since 1982 without Quebec being aboard. In fact, we survived for years without our Constitution even being within the control of our Government, at least in formal terms. It seems to me that we should not accede to an agreement which purports to be in the interests of us all when it is in effect a series of trade-offs between the 11 Prime Ministers. Thank you.

Mr. Chairman: Sir, I'm fascinated by what appears after your last sentence, which is Snail-Mail. What does that mean?

Mr. Hanly: That means ordinary mail.

Mr. Chairman: I see. I stepped into that one, very well.

Mr. Hanly: That's lingo for people who do electronic mail on computers. They call the other sort—there's E-Mail and Snail-Mail.

Mr. Chairman: I see.

Mr. Hanly: The one's a bit faster than the other.

Mr. Chairman: The first question to Mr. Doer.

Mr. Doer: Thank you very much, a very thorough brief, thank you. There are so many issues that you raise in

the brief but I want to just focus in on the process issue because I think you have very, very accurately reflected the mood of what we have heard in all our presentations and the mood leading into the public hearings over the last almost two years.

What would be your recommendation in terms of dealing with the leadership responsibilities of Premiers to develop certain proposals in the best interests of the country and the rights of the public to be involved in that process? I watched what happened in, for example, Ontario where the Premier signed the document and then everything in the public hearings said, amend the document, but the Premier then said, well my signature's on that document. It was on that document also to have public hearings to listen to the people but it became an either/or situation, something I know is not going to happen in this province.

How do we get the balance between bringing a focus to the changes that are necessary and a recommended process for the public? Obviously, we should have signatures just for the public hearings, not to have the ditch where no Premier will go beyond in terms of having their signature on the substance of the document. I am interested in your feelings on a recommended process to have focus and leadership but yet a true public document that has change and improvements and amendments consistent with public discussion.

Mr. Hanly: I'm not sure I have any detailed proposals for this, but obviously one of the things you don't do is to come to an agreement which is put in legal terms which everybody is completely committed to and then take it to public hearings. You should go to public hearings when you have some sort of agreement in principle, type of thing, I should think.

I suppose ultimately our leaders have to decide, unless you are going to have a referendum or something like that, but they could come to their final decisions, I should think, at least after there had been public hearings. It might even be advisable to have a second set in which at least some—I guess you'd have parliamentary committees that would do that sort of thing in which, if there were some real flub made in the drafting and so forth, that could be taken care of too.

Mr. Doer: Just on that, you mentioned the point "referendum." On the other side of the extreme, the United States has still not entrenched or amended their Constitution for the ERA amendment because they cannot get the referendum through states. So trying to find the uniquely Canadian balance of having public participation and a focus on the real changes necessary is . . .

Mr. Hanly: I think the other thing is that there's a feeling that somehow or other we have to get these things settled, that we have to get an agreement. It just seems to me that if we look at the way that Canadian history proceeds, we often muddle through without agreements upon things. Obviously some of the things that are in Meech Lake are, in effect, just putting down what have been done without any explicit formal agreements.

Mr. Carr: Let me too congratulate you on an intelligent, thorough and wide-ranging brief that really summarizes many of the arguments that we've heard up to now during these hearings. I would like to ask you a question on the Senate. You talk about the appointment of senators and how it infuriates you that unanimity is required to reform the Senate. You make reference to two streams of thought which we hear all across the country. One is to abolish the place and the other is to elect it, but you don't make any comment yourself on what your preference would be. Would you mind just taking a minute or so to let us know your own thoughts on how a future Senate ought to look?

Mr. Hanly: Well, my own thoughts are—I haven't got this worked out, my arguments for it, but my own opinion is that it ought to be abolished. I don't see that you need a two-house sort of legislative process. I think the House of Commons is fine. But I realize that there are a lot of people in the West who want a Triple E type of Senate. I have just represented their concerns to you. My own personal position is that we don't need a Senate.

Mr. Carr: But your frustration would be that you can't even abolish it without unanimous consent of all the provinces.

Mr. Hanly: That's true, too.

Mr. Carr: Thank you.

Mr. Edwards: Just a quick question, and let me add my congratulations on this brief. It is just excellent.

With respect to process, as you know, this also sets up yearly conferences and you didn't get into that as a form of dealing with our Constitution on a continuing basis, again obviously just the same 11 people. How do you feel about the yearly conferences as a constitutional process for the country?

* (1110)

Mr. Hanly: I don't recall the exact formats of these. I gather it is just the 11 Ministers get together and try to agree upon how to amend things, and again it is just perpetuating the elite decision-making process if you don't have any input of the public. Obviously, there are very, very important groups, such as the aboriginal people, women's groups and so forth who don't have any place in it.

Mr. Edwards: Can I just ask a supplementary? With respect to what you have just said, and there are some comments in here about the elites that are represented and it is not just in the Meech Lake Accord—I think it is suggested in the Canadian Charter of Rights and Freedoms—is that a problem for you as well, and maybe it is a bit off the topic. Is the Charter a desirable document or is part of your brief that it, as well, is fundamentally flawed?

Mr. Hanly: My opinion is that there should be some sort of constitutional provisions which allow people

basic rights, such as a guaranteed income and that sort of thing, and that there should be various social welfare rights that I would like to see guaranteed in the Constitution. My understanding is that they aren't there. So, yes, my opinion is that it is fundamentally flawed too.

Mr. Chairman: Any other questions?

Mr. Hanly: Oh, I might just mention that, too. The Charter of Rights seems to be individually oriented too, and there may be some problem with the idea of group rights, and that is one of the things that Quebec finds wrong with the Charter of Rights too, and I have some sympathy with that.

Mr. Edwards: Thank you.

Mr. Chairman: Thank you very much, Mr. Hanly.

Mr. Hanly: Okay, thank you.

Mr. Chairman: We will take a short break now, ladies and gentlemen. When we return, Mr. Daniels will be coming forward, representing the Dakota-Ojibway Tribal Council.

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Mr. Chairman: In fact, I believe there are three gentlemen who will be presenting on behalf of the Dakota Ojibway Tribal Council. I call on Mr. Ernie Daniels.

Mr. Ernest Daniels (Dakota Ojibway Tribal Council): Thank you, Mr. Chairman. First of all, on behalf of the First Nations of the Dakota Ojibway Tribal Council, I would like to thank the committee for allowing us to make a presentation here today.

The Dakota Ojibway Tribal Council is based in Brandon. We have sub-offices in Winnipeg, in Portage, and in Virden. DOTC was formed back in 1974 where eight reserves in southwestern Manitoba got together, and the first in Canada. As a result of that, mini tribal councils are now in existence across Canada.

In respect to these hearings, Mr. Chairman, I have two gentlemen who will make the formal presentations. Carl Roberts, he is a former Chief of Roseau River, now staffmember of DOTC with the Indian Government section. Saul Sanderson, he is our resident advisor on Treaty issues and land claims. Also in our delegation, we have one of our board of directors, Chief Romy Kenny from Small Lake and Presence (phonetic).

There is a lady here by the name of Ms. Gwen Trip who made mention of a national Indian organization by the name of Prairie Treaty Nations Alliance. For your information, Prairie Treaty Nations Alliance was founded and formed by the Dakota Ojibway Tribal Council. PTNA, as we call it, covers Treaty 1 for Manitoba, Saskatchewan, Alberta and northern B.C., and represents 120,000 First Nations and the Prairies.

I will call upon Carl now to make the formal presentation. After that, Saul Sanderson will make a second presentation. Thank you.

Mr. Chairman: Carl Roberts, have I got the name right, sir?

Mr. Carl Roberts (Dakota Ojibway Tribal Council): Roberts.

Mr. Chairman: Yes, thank you.

Mr. Roberts: Mr. Chairman, honourable Members of the Task Force, as mentioned by my colleague, we appreciate this opportunity to be able to place before you our position with respect to the constitutional amendment, 1987. There are two documents that have been given out to you. The first document applauds the Government of the Province of Manitoba in its attempt to fully discuss the amendment as it impacts on the varying groups of people we have within the confines of Manitoba.

* (1130)

Further, it deals specifically with the First Nations Canada relationship and how that is again affected by this proposed amendment. It further, as well, addresses the "distinct society" clause in relation to the inability of past FNCs with respect to the distinct nature of the First Nations of Canada.

Going into the second document, the details, the principles, the reasons and so forth in terms of the reason that we, as First Nations in Canada, in Manitoba, and why we reject this constitutional amendment, I will highlight these areas.

The original First Nations were completely disregarded as active participants in this amendment, in the process somehow it was carried out.

As well, further to that incorporated within the amendment, is an agenda that again focuses on setting an agenda to deal specifically on areas impacting on First Nations, constitutionalizing an agenda again where we, as First Nations, are not active participants. Further, where is the political will when an agenda has to be constitutionalized? Further, the lack of protection for the inherent and Treaty rights of our First Nations.

As well, obligations and responsibilities of the federal Government being vacated, creating a vacuum to be exploited by various levels of Governments on First Nations, totally contrary to the Constitution and other legal instruments in Canada, more specifically Treaties, the Royal Proclamation and the international instruments on the convention of human and civil rights.

Further, the contravention of present legislation outlining the First Nations Canada relationship, which is a sacred trust, which emanates and is recognized by the Royal Proclamation and other instruments, in terms of the involvement of various levels of Government and, more specifically, the Natural Resources Transfer Act, 1930, the Jay Treaty and so forth.

Another point is the transfer of powers further eroding the Treaty and inherent rights of First Nations, with respect to resources, lands, and so forth. Another point, the lack of representation of First Nations in

governmental institutions, specifically the Supreme Court, the Senate, constitutional conferences and so forth.

In light of the relationship of First Nations in Canada in the Treaty-making process, the First Nations maintain and reserve the right to opt out of any amendment that contravenes the spirit and intent of Treaty. First Nations will exercise their authority to invoke the notwithstanding clause to protect the interests of their citizenry. The ambiguity of the proposed amendment leads to interpretation that is so open it will lead to dissension and possible civil unrest unprecedented in Canada.

It is incumbent upon Canada and its Government to demonstrate its leadership to allow full and open discussion on this amendment. To be presumptuous in stating that any amendment to any substantive document, as the Constitution is readily changed, is totally remiss when the process to amend is totally or virtually impossible, based on unanimity.

The Government of Canada in its "fire sale" of its powers must first come to grips with its obligations to First Nations, with respect to the payment and settlement of all outstanding claims. Do you sell a resource you do not rightfully own?

These are the various reasons. These are positions we are flagging to people who are making presentation in these various forums throughout Manitoba. There are other areas we could elaborate on and go further on. At this point, I'd like to turn that over to my colleague, Saul Sanderson.

Mr. Saul Sanderson (Dakota Ojibway Tribal Council): Mr. Chairman, honourable Members of the Task Force, on behalf of the DOTC, I'd like to take this opportunity to add further substance to some of the points that are raised. We want to also state that the fundamental constitutional framework for Canada is one that regulates the relationships between Indian nations and Canada. That framework consists of the Treaties, the Royal Proclamation and Canada's Constitutions. This is arranging a clear political and legal relationship, and we also want to emphasize that the inherent rights of Indians and the Treaties supersede laws of Canada.

In the constitutional amendment process, there were debates on the process and many have discussed that concern. However, there are existing concerns in the Constitution. In Section 35, we're suggesting you remove the term "existing." You created another definition in the Constitution that nobody can identify with. Replace that with the recognition of inherent rights.

We do not accept the terminology "aboriginal" because it is a colonial term coined by colonialists to limit the recognition of inherent rights. Just like you have accommodated yourselves to exist in Canada, we need some recognition of separate arrangements. We are suggesting separate schedules be accommodated to recognize the Indian Governments of Indian nations and their distinct political and legal relationship. That is already accommodated by treaty-making, it is already recognized by the Royal Proclamation.

We also suggest that there be appended to the Constitution Act, 1982, for greater certainty, the

Treaties. For further protection, that there be a strong non-derogation clause included.

In the constitutional interpretation process, there are some obligations that you now have. In determining the interpretation and the application of Section 25 and Section 35 of the Constitution Act, and Section 91(24) of the BNA Act, Section 25 continues to provide protection and recognition of the Royal Proclamation of 1763—we have not had the opportunity to discuss our interpretation of that proclamation. There needs to be discussion because the proclamation does legally recognize Indian nationhood. That's confirmed by one of your own federal Royal Commissions established not too long ago: legal recognition of inherent title to lands and resources by the proclamation; the legal recognition of Indian nations territory; the legal recognition of treaty-making process between Indian Governments of Indian nations and the Crown represented by the federal Government.

* (1140)

Legal recognition of the Treaties is not only confirmed by the proclamation now, but it is also confirmed by Section 35. We feel that you do not understand what you have acquired from the treaty-making process and there must be some serious discussions and debates about what it is you really acquired from us through the treaty-making process. The legal application of the Treaties provides a conditional sovereignty in Canada. Section 35, like I said, provides legal recognition of Treaties. To some degree it protects Treaty rights. We have suggested further amendments to Section 35. However, Section 35 does now legally recognize the Treaty. Upon legal recognition of the Treaty, you now have legal recognition of both parties to the Treaty. We are the first party to the Treaty; you are the second party to the Treaty. In addressing those arrangements, we are saying that Section 35 would be amended to recognize inherent rights.

In Section 91(24) the inherent rights of the Protection Office, expanding the federal powers to include the Treaty Rights Protection Office, define the full scope of the federal obligations and deal with the construction of law that puts that obligation in place formally, develop complementary laws in recognition of Indian law and Indian Government. In the treaty-making process then, under Royal Proclamation, we are suggesting that there needs to be discussion to define sovereignty.

Indian Governments can now establish and have always had the capacity to establish their Indian Government by band custom, band custom meaning our traditions. Our laws would be based on our traditions, our customs, our practices, our values. Both parties to the Treaties are now required to formally ratify those Treaties. The federal Government must conduct a federal law review to bring all laws of Canada into line with those Treaties. That includes provincial legislation.

In dealing with the recognition of Indian Government, the legal capacity exists by the proclamation, by the Treaties and in the Constitution and under the Indian Act. Band custom provides for band powers whereby

we can determine our own form of Government to establish our judicial, legislative and executive branches of Government, also provides the capacity for us to put in place our own Indian public administration for health, education, economics and so on.

When we talk about our obligations to Treaties, we are serious about those obligations, so we'd like to have the Governments of the Crown be just as serious in terms of the ratification process.

When we look at the obligations respecting amendment to the Canadian Constitution, there are amending formulas that have been accommodated in the past, when we are dealing with the amendment options, the federal governmental powers to amend the Constitution with no provincial consent, where there are clear areas of federal jurisdiction and under the federal treaty-making powers.

The second option: federal Government powers to amend the Constitution with the Indian nations' consent where it impacts on the Treaties, Treaty relations, Indians and Indian lands.

The third option: federal Government powers to amend the Constitution with affected provincial Governments' consent. In this case we're speaking of a natural resources transfer of the year 1930 and Section 92 powers; d., of course, is the federal Government option to amend with the consent of the majority of the provinces. Unanimity, I don't think you'll ever achieve it.

Provincial Government obligations under the Constitution, the Natural Resources Transfer Agreement: the federal Government has obligations to protect lands and resources that were secured by agreements prior to 1930, and that refers to our Treaty agreements, not just reserve lands but resource lands, traditional lands and so on beyond reserve boundaries.

Recognize the fact that the province is obligated to transfer lands clear of title back to the federal Government so that they may fulfill their Treaty obligations.

Provincial Government can provide complementary legislation in recognition of Indian Government jurisdiction and Indian law. The province must be prepared to bring their laws into line with the Treaties. The Treaties provide for revenue and resource sharing. This is an area that is crucial to us at this time, that they do provide for those types of arrangements. The opting-out clause is one that Carl spoke to, qualifying that we referred to the Migratory Birds Convention Act, the Free Trade Agreement and other arrangements like that.

Mr. Chairman, Honourable Members, thank you for the opportunity and we urge you to reject the Meech Lake Accord.

Mr. Chairman: Thank you, sir. Any questions? Mr. Doer.

Mr. Doer: I would be very interested. The recommendations you have made are very, very extensive. Even with less proposals on the table in 1987, unfortunately, we couldn't get the 7 out of 10 approval,

even though it was 7 out of 9 because Quebec did not attend the meeting, because the Premiers Getty, Devine and Vander Zalm basically opposed the movement of aboriginal peoples or Native peoples in the Constitution.

Do you think it's possible at all to get an even more extensive list, even though I know this is the desired list from the organization, through a 10 out of 10 unanimous consent under the Meech Lake process, right now for amendments or are you basically recommending we totally stop the Meech Lake amendment, and start all over again on all the issues?

* (1150)

Mr. Sanderson: Mr. Chairman, with respect to that, I had the opportunity to be a part of the exercise. One of the reasons we formed the PTNA is because we could not get the Treaty position and the Indian nation's position on the table as we saw it. This is one of the first opportunities we have had available to detail that position to any extent. We are not suggesting that constitutional amending process be discontinued or stopped. We recognize it takes years for political development. We encourage that political development but we certainly want to see a process where we are meaningfully involved on an equal basis to discuss any constitutional amendment that may impact on us one way or the other.

Mr. Doer: A supplementary then?

Mr. Sanderson: Yes.

Mr. Doer: I totally respect given that position and this is the desired, the long-term goal. What would be the absolute recommendations to this committee to deal with this document in this round, the next 15 months, knowing what you know probably even better than all of us about the intransigence of some of the Premiers on your issues and your desires? What would you recommend to us to achieve in this next 15 months, as the Manitoba committee trying to deal with the Meech Lake and the unanimity clause for amending Meech Lake?

Mr. Sanderson: No offence to anyone but we recommend the rejection of the Accord. We also request the French and English people of Canada get their act together.

Mr. Doer: Okay.

Mr. Chairman: Any other questions? What is the word, sir, that would replace "aboriginal" in constitutional language?

Mr. Sanderson: Inherent rights—sources of those rights, as we see them, are from the Creator and from generation after generation.

Mr. Chairman: What would replace the phrase "aboriginal people"?

Mr. Sanderson: You could use "original"; you can use "Ojibway"; you can use "Dakota." Don't be afraid to

use the definitions we have for our people, if you are prepared to accommodate that. We also want to reserve the right to define those rights. We don't want you defining them for us, because in Treaty-making we reserve the whole range of rights in the Treaty-making process. That's one of the most important parts of treaty-making, what you reserve for yourself, but you haven't even discussed that with us. You assume you took lock, stock and barrel, but you didn't.

Mr. Chairman: Any other questions? Thank you very much, gentlemen. Thank you.

The next presenters are Ms. Worthington and Ms. Mallea, representing the Westman Coalition for Equality Rights in the 1987 Meech Lake Accord. Please proceed. Thank you for the written presentation.

Ms. Gladys Worthington (Westman Coalition on Equality Rights in the 1987 Meech Lake Accord): Thank you, Mr. Chairman, and Members of the panel. Good morning, and welcome to the City of Brandon. Our presentation this morning consists of a prepared brief of which you have a copy. After listening to yesterday's presentations, we wish to present verbal comments on the parallel Accord, following the printed brief. Appended to the brief received by the Chairman are petitions. The number of signatures stated in the brief does not include any duplication of signatures.

It was encouraging, Mr. Chairman, to hear your reference to the Task Force as a team. Our presentation this morning is the result of a team effort. Paula and I are privileged to represent the Westman Coalition this morning.

The Westman Coalition for Equality Rights in the 1987 Meech Lake Accord commends Premier Gary Filmon on the excellent selection on panel personnel and the effort made by his Government to bring public hearings to urban and rural centres outside of Winnipeg.

The concerns of the Westman Coalition are being presented by Paula Mallea and Gladys Worthington.

The Westman Coalition is made up of representatives of groups and individuals concerned with the effect of the 1987 Meech Lake Accord on the equality rights of all Canadians.

The concerned groups include:

Brandon University Status of Women
Canadian Federation of University Women
International Women Together
Manitoba Action Committee Status of Women
Manitoba Advisory Council Status of Women
Manitoba Women's Agenda
National Farmers' Union
Royal Purple of Canada
Young Women's Christian Association of Brandon

Some of our concerned groups and individuals will be presenting briefs of their own. In addition, we are presenting to the Task Force petitions containing 222 signatures in support of our submission.

The Constitution is a law, but a law which governs all other laws and other actions taken by any

Government. It is highly relevant to all persons because it establishes the framework for what our Governments do, or not do, to us and for us. That is why it is so important that any constitutional provisions reflect the realities and needs of our lives as workers, homemakers, parents, spouses and citizens.

The breadth and scope of the constitutional changes in the Meech Lake Accord have greater potential impact on every Canadian than anybody can possibly foresee at this point.

Constitutions are not the same as other laws. They are much more difficult to change once they are approved. We recognize that we live in changing times and while the principle of the Constitution must remain firm, our rights as citizens from time to time may be subject to amendment. However, the process of amendment must be a democratic process and must not be undertaken by a group of 11 First Ministers.

The Government of Manitoba and those in opposition to the Government have recognized a breach in the democratic process and provided the citizens of this province with the opportunity to present our concerns.

We recognize as worthy the objective of the Accord to obtain Quebec's signature to the Constitution. However, we do not believe that the rights of all Canadian citizens should be placed in jeopardy to achieve this objective.

Canada is fortunate to be "home" to many ethnic and cultural people who cherish their birth or new found equality rights guaranteed by the Charter of Rights and Freedoms.

It is these rights, the rights of all Canadian people that are being threatened by the Meech Lake Accord.

Ms. Paula Mallea (Westman Coalition for Equality Rights in the 1987 Meech Lake Accord): Section 15 of the Charter of Rights and Freedoms guarantees, as follows: "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Equality rights for men and women have been further guaranteed by Section 28 of the Charter, and it reads: "Notwithstanding anything in the Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons."

* (1200)

Clause 16 of the Meech Lake Accord provides that nothing in Section 2 affects Sections 25 and Section 27 of the Charter and it is this specific reference to the Charter that causes concern.

Section 25 deals with aboriginal rights and reads in part: "The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada."

Section 20, the clause relating to multicultural heritage reads: "This Charter shall be interpreted in a manner

consistent with the preservation and enhancement of the multicultural heritage of Canadians."

By specifically naming multicultural heritage and aboriginal peoples as protected and failing to name those groups protected by Section 15 of the Charter, one can infer in law that the latter are intended to be excluded. How can we be assured of our equality rights when a hierarchy of rights has already been established?

We have been informed through our discussions with our representatives to Government that to change any aspect of the Meech Lake Accord will destroy the main objective which is to bring Quebec into the Constitution.

The Westman Coalition believe that Canada has been built by a process of consensus rather than confrontation, and we further believe that Canadians are not so inflexible as to be unable to accommodate changes to this Accord.

It is fundamental to all Canadians that equality rights should not be placed in a position of compromise. To ratify a "flawed" document in the expectation that issues arising out of the document can be resolved later is unwise. Some have suggested a parallel Accord would provide a solution. We feel the concept of a parallel Accord compounds the problem.

The Government of Manitoba is in a key position to ensure the basic rights and freedoms guaranteed by the Charter of Rights continue to be enshrined in our Constitution.

The Westman Coalition requests the Government of Manitoba refuse to ratify the 1987 Meech Lake Accord until it is amended as follows, to read: "That nothing in the 1987 Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Charter of Rights and Freedoms."

Ms. Worthington: The Westman Coalition will continue to rally support for our position on equality rights under the 1987 Meech Lake Accord. We will, as well, be monitoring the proceedings of this Task Force, and will continue to be in contact with our elected Members in Government. The Westman Coalition appreciates the opportunity provided by the Manitoba Government for all Manitobans to express their concerns about the 1987 Meech Lake Accord. We look forward to receiving a report from this Task Force, and will recommend that the equality rights of all Canadians be guaranteed under the 1987 Meech Lake Accord.

Ms. Malles: Members of the Task Force, partly because we have made only brief mention to the issue of a parallel Accord in our submission, and because it did gain some enhancement yesterday at the hearings, both by virtue of questions from the Premier and also by virtue of Dr. Clark's submission last evening—that is, I think it's gained something of a profile. I would like to address the Coalition's position on this.

The parallel Accord process has been offered as a potential solution to our problem. The difficulty we have is we feel yet another additional document only compounds the problems we already see in terms of trying to relate one document to the other, determine

which document carries paramountcy over the other, determine how one article of one document relates in fact to the others. We don't have a precedent for such a thing in constitutional law, that it can be identified as exactly the type of companion agreement that I think is being contemplated here. For that reason, we can't define it, and we don't know exactly what type of a package it would be or what it represents, when we get down to the legal analysis.

I would encourage the Task Force, as well, to consider that the bottom line here always, in every case, is legal analysis. As laypeople, we can address this to a certain extent, but when we go to the Supreme Court of Canada, good intentions, inferences, less than legal arguments can be made, but they only fly so far. The bottom line is what appears in these documents.

Premier Filmon pursued this question at some length yesterday. If I understood his questions, he was trying to determine whether a companion piece could be drafted, which would somehow inherently be integrated with the document you have before you. I would respectfully suggest if that's the intention and that the so-called parallel Accord intends to actually change the wording of the Meech Lake Accord in substance, then in fact it's really an amendment by another name. I think we should be calling a spade a spade. I don't think the use of a parallel Accord is meant to try to accommodate those parties who have already ratified this agreement. I don't think it's going to fool anybody, if that's all the intention is, to give it a name.

Secondly, if a parallel Accord is to be a separate document, a separate package, we do have concerns about how it will relate and we do have concerns about the parallel document in fact conflicting in a very confrontational way, the provisions of the original document. I take just for an example, if the position of the Manitoba Government turns out to be we require something less than unanimity for Senate reform, you can't very well ratify the document you have here, which requires unanimity, and then produce a parallel Accord which requires something else. It wouldn't make sense, it doesn't stack up.

Finally, if the object of the exercise here is to convince the rest of the country, and I think it is, that this document requires improvement, then the creation of a parallel Accord gives this Government no teeth to project that kind of progression. What it would mean would be, I believe, the ratification of the original document and then the promulgation of an additional document. I think that would send a signal to the other signatories and ratifiers of this agreement that Manitoba has, in fact, placed its seal of approval upon the Meech Lake Accord as it is, and then has stated its intentions or its further efforts to perhaps change at a later date in a separate document. For that reason, I don't think that if what we are trying to do is compel a change with respect to other Governments, that this is the route to go. It is for those reasons that I would request the Manitoba Government to consider that the only way to acquire the amendment we are requesting is by way of an amendment to this document.

I think those are the only submissions I had on that point and both Gladys and I would welcome any questions the Task Force panel may have.

Mr. Chairman: Questions? Mr. Carr—I am sorry, Mr. McCrae.

Mr. Carr: I've got one actually.

Mr. Chairman: All right, Mr. Carr first, then Mr. McCrae.

Mr. Carr: The thrust of your presentation is to make comments on the equality rights provisions which you would like to see within the 1987 Constitutional Accord. You don't make any reference, for example, to opting-out provisions and the use of the federal spending power. I wonder if you would want to take a minute or two to let us know if you have other problems with the Accord, or whether the amendments that you suggest within your brief are sufficient for you to then add your voice to those who think the Accord ought to be passed.

Ms. Malles: We purposely haven't addressed the opting-out clause for no other reason that we intended to be brief. We have considered our position on that. The main concern has been stated, and I'll restate it, by others. That has to do with the lack of definition of the clause. If it is not clear to the Task Force Members—I think it should be—and that is that women are far and away the participants in social programs in this country.

It is women who have to take advantage of welfare programs and such other programs to assist those in poverty and in need. Given that we will require, I would suggest, national standards in respect of those types of programs—and of course I don't mean to leave day care out because it is a very important one—I don't think we can acquire that under this provision and the reason for that has been stated. That is, we are asked to comply with national objectives, and we don't know what those are, and the word has been used that the program of the province must be compatible with those national objectives and we don't know what that means.

* (1210)

Dr. Peter Hogg, who is a constitutional expert, says that means sympathetic with national objectives. Well, there are lots of opinions as to what compatible means, and that is only one. One of the fundamental difficulties with this Accord is that the experts do disagree on these very fundamental definitions and relationships which means that, without question, they will be litigated, which means that we lose control of this document. If we don't get it right now, it will go to court, whence who knows the result? We can't predict that result. It means we lose control of the document and because of the vagueness alone of that provision we would certainly seek amendment in that respect.

Mr. Chairman: Now, Mr. McCrae.

Mr. McCrae: Mr. Chairman, I think someone should take time to pay tribute to the Westman Coalition for its tenacity over quite a long period of time now. In dealing with this issue, I appreciate the fact that the brief deals with one issue, the issue that's been on the mind of the coalition from the beginning, which gives the coalition its name, the Coalition for Equality Rights

in the 1987 Meech Lake Accord. So that while others have come forward who have been and are associated with the coalition, come forward with others issues, the coalition's issue is the equality rights issue and that is the point that you're making with your brief today.

I believe the recommendation that you're making for the substantive amendment to the Accord is the same one that has been part of your developed proposal right from the beginning. So there's been no change in your position. It hasn't varied or altered in—how many months has it been since the coalition got going?

Ms. Malles: The coalition came together in April 1988 so we've had a full year of working together and we will continue to meet and to work until the concerns that we have are resolved.

Mr. McCrae: Mr. Chairman, I am not asking very many questions. I am just making a comment that it does appear to me to be a measure of the strongly felt view of the coalition that it has held together as it has, that it has held the same position as it has, as it's appeared that certainly I saw members of the coalition in Winnipeg at the very beginning of this exercise, the Task Force. I just wanted to commend the coalition for the work it has done and will be doing.

Ms. Malles: If I can just respond in part to Mr. McCrae—

Mr. Chairman: In fact, I am going to assume, because I must by the rules, that Mr. McCrae has asked some kind of question, so please do respond.

Mr. McCrae: No, I didn't.

Ms. Malles: We really appreciate his comments and we also appreciate the attention that he and Mr. Doer, Mrs. Carstairs, Mrs. Hammond and others whom we have met with have given to this issue. They have given of their time and they have given their attention, and I think it's a credit to the Government that we have such a high profile group in front of us today. We're very flattered that you're here and pleased to present to you. I think that we are not only solid in our position on this subject but that we become more confirmed in it day by day.

Someone yesterday referred to the kinds of judicial goings-on related to women's position in society that have been occurring, not only here but across the country. We're very aware of those and, as we realize that even though we are living in the 1980s, these kinds of comments and these kinds of very aberrant decisions continue to come down, we realize that the judicial system is not perfect, that conditioning accounts for a good deal of what goes on there and that even more than ever we require guarantees, we require that we not lose control of this issue. That is what we are recommending.

Mr. Chairman: Any other questions or comments? Questions, in fact. Mr. Doer.

Mr. Doer: Yes, I would also like to thank you for the research over the years and your organization skills

too that are evident through the hearings. The bottom line is then, for the coalition, that if we do not get this amendment, as hard as we will try in our report and as much effort as we can place on the federal Government and the other Governments to change over the next 15 months, if we are not able to get this amendment on June 21, 1990, we vote against this Accord.

Ms. Malles: That is correct, Mr. Doer.

Mr. Doer: Thank you.

Mr. Chairman: I am tempted to engage you on the issue of parallelism, Ms. Malles, but I think I shall desist.

Ms. Malles: Feel free.

Mr. Chairman: I guess I will indulge this far. I am sure you recognize immediately that life in general consists in part of form and in part of substance, and so does constitution-making. If a parallel Accord is simply an amendment to Meech Lake but put in parallel form for form purposes and it has equal significance with the Meech Lake clauses, then I am sure I read you as being comfortable in that situation.

Ms. Malles: My only concern, Mr. Chair, is how you would ensure that in fact one of these isn't more parallel, as someone said, than the other. Because we don't have a precedent for this, I don't know how you would ensure that were the case. The only scenario that I can imagine where there's even a possibility that it could work would be if you were to use a parallel Accord, as lawyers would say, as a condition precedent to the ratification of the Meech Lake Accord. I don't see that being acceptable to anybody. I don't see that even that would guarantee us the position that we require. I don't see that it doesn't place the two documents again in some kind of potential conflict with each other. I think that's where the difficulties are here, that each time we draft a new one we raise further potential conflict. Frankly, we can do without that. This Accord doesn't just leave unanswered questions, as Dr. Clark said yesterday. It actually raises potential new, unnecessary conflict.

Mr. Chairman: Any other questions? Thank you very much, both of you. Ladies and gentlemen, I am going to try to do a little bit of management here of process. We have five people who are scheduled to present before noon hour. I'd just like to determine whether there would be—first of all, is Mrs. Bilowus here? Mrs. Bilowus, would you be prepared to go at two o'clock? I am just trying to move some of the presentations to this afternoon, if I can.

Mrs. Ruth Bilowus (Private Citizen): Time is no problem.

Mr. Chairman: You don't mind? That's very kind of you. Ms. Deller, is she here? Ms. Deller, would you mind going this afternoon? Does that pose a problem for you?

Ms. Terri Deller (Private citizen): That would be satisfactory.

Mr. Chairman: That is very kind of you, thank you.

Ms. Armishaw.

Ms. Irene Armishaw (Private citizen): Yes.

Mr. Chairman: Do you mind going this afternoon?

Ms. Armishaw: Actually, I work this afternoon.

Mr. Chairman: No problem, we understand immediately when you say that. Now, what about Reeve Edmundson?

Mr. Richard Edmundson (Rural Municipality of Shoal Lake): Here.

Mr. Chairman: Is this afternoon acceptable to you, sir?

* (1220)

Mr. Edmundson: It is a little difficult. We were called just yesterday afternoon to be here. We were originally scheduled for three o'clock. We have been here since ten o'clock this morning.

Mr. Chairman: Mr. Mitchell.

Mr. John Mitchell (Rural Municipality of Roesburn): I am in much the same category as Mr Edmundson.

Mr. Chairman: All right then, we'll proceed with Ms. Armishaw, with Reeve Edmundson and with Mr. Mitchell before we take our break. Anything you can do to help us by the brevity of your brief, not asking you to take out anything you planned for, would be much appreciated. So I call on Ms. Irene Armishaw. Am I correct that you are appearing as a private citizen?

Ms. Armishaw: Yes, that's right.

Mr. Chairman: Thank you. Do you have a written brief for us?

Ms. Armishaw: I haven't got a copy for you, actually.

Ladies and gentlemen, as a citizen of this country and province, I am very pleased to see this brief show of democracy through these hearings. I sincerely hope we all understand what matters is not the fact we oppose or support the Accord or, for that matter, any other piece of legislation, but the reasons that we do so. The reasons must be carefully thought out, and the consequences of proposed legislation must be greatly anticipated, and all angles examined before any Bill should ever be passed, whether it be federal or provincial. This is where we, the citizens, can help our representatives to become more aware of the various consequences. Never should they hesitate to ask the people. That's what their job is, and it's mine and my neighbour's job, to be interested enough in our own futures to help them make these important decisions.

Before the Canadian Constitution of '82 was ushered in by Liberal Prime Minister, Pierre Trudeau, eight

provinces opposed it, but after an evening meeting in the Chateau Laurier—not unlike the all-night Meech Lake session—that opposition gave in and signed, that is, all but Quebec. The reasons or the deals made which persuaded the provinces to sign were not explained, but it must have been quite a substantial offer that swayed their opinion. What we do know, however, is they gave away and we lost a great deal of individual rights through our '82 Constitution. Perhaps Quebec was smart not to sign; perhaps they are justified in wanting extras before signing the document. We all should be asking for our rights back instead of giving away everything. In the case of Meech Lake, we will be giving rights to Quebec that we shall never see ourselves.

The main thing we must all be aware of is the fact that the preservation of democracy and true freedom is only possible through the direct involvement of the people in major political decisions. By that, I mean referendums on all constitutional items, and that includes the Meech Lake Accord. After all, the Constitution is the basic laws of our land and it is our property. It does not belong solely to politicians. We have to remember our present Canadian Constitution was undemocratically imposed upon us, since we were not given a chance to vote on it. Fortunately, it is not too late to correct that mistake and achieve that vote, that is, unless the Meech Lake Accord is passed.

I find it extremely ironic that on April 6, Prime Minister Mulroney condemned the Constitution just as I have, to the point of saying that it isn't worth the paper it's written on. Yet, he insists on getting Quebec to sign the Accord and become part of it. It certainly seems senseless for him to bother to get Quebec to sign anything he believes to be so useless.

Opposition of the Accord will tell us that it gives too much power to the provinces due to the unanimity section. This statement is terribly misleading and quite harmful in influencing the way people think, since it implies the provinces should not have the power and the federal Government should. We have to regain our provincial powers which were squandered by the '82 Constitution because the more power that is removed from the local Governments and from the so called grass-roots levels, the less say and influence in direction the citizens themselves will have. I, for one, do not want to live under the same system as those in China or Russia.

The promoters of Meech Lake, on the other hand, will say that the unanimity section gives more power to the provinces. This may be good since if a new bill proposed for the Constitution was not acceptable or perhaps even harmful to a province, they would be able to protect their province by not signing it, but this protective power is not worth the price we would have to pay if an amendment or change was suggested for a damaging bill. If any one province did not want it removed for whatever reason, it would be locked in place for good. Just as we cannot afford to let the federal Government dictate to us, nor can we afford to let any one province have that sort of control or that sort of power over the others.

Everyone knows that it is bad personal and professional management to tie your hands and paint

yourself into a corner. In a democratic society, there must be flexibility and accessibility to change, if change is what the majority of citizens want. So why should we let the federal Government with Meech Lake do the same to us politically? In light of this very real consequence, we definitely have to press for a change to this veto portion.

There is another portion which disturbs me about the Accord. Section 101B(2) states that of the nine Supreme Court judges, at least three must be from Quebec. Regardless of how appropriate a certain person may be for the position, if another Quebec judge is required to fill the quota, then he shall be chosen. Affirmative action seems to be echoing here. Since there are only nine judges, perhaps there should be 12 so each province and territory could be represented equally, or if the population is used as a guideline, then since Quebec has approximately 24 percent of the population of Canada, then 24 percent of the Supreme Court should be from Quebec, not 33 1/3 as this section suggests. This is just another case of inequality demonstrated in the Accord.

And then to add insult to injury, Section 2(1)b is prepared to give Quebec a distinct society label. It is not indicated as to exactly how the clause can be used. It is, however, the opinion of many legal advisors that the clause is not harmless since it would not be inserted if it had no legal ramifications or use. I share that opinion.

Something important for us all to realize, regardless of primary language spoken, is that we are all individually distinct and separate, but if we want a unified and strong country we must first be Canadians and do what is best economically for our country, since what is best for our country will reflect positively on us all individually. Language is only a form of communication and should be treated as nothing more, including use as a vote getter. If one province is singled out to perhaps receive special treatment and extra privileges at the other provinces' expense, the consequences for the country and its people could be devastating. We cannot afford to take that chance.

I want to stress that I am not anti-Quebec nor anti-French. What I am is pro Canadian and very pro equality. I feel that merely the fact that is where the votes are is no reason to kowtow to any area or cultural group. Using language and culture to justify special treatment is causing racism and the bigotry that unfortunately is ever increasing. We, as people of Canada, have to somehow put a stop to these measures which are driving wedges between us.

Multiculturalism and the fear that it is not totally protected under Meech Lake is another item being used on the political bargaining table. It all sounds good to be protecting the minorities and, of course, that noble act results in many votes since Canada is a melting pot of all nationalities. We are all essentially part of a minority in one way or another. How can we be so blind not to see how we are being used? Multiculturalism and bilingualism enforcement, as well as any other ploy which distinctifies or separates the people, is not, and I repeat not, any way to promote unity and oneness. It, in fact, does the very opposite by discriminating and breeding racism.

Natives' rights and women's rights also are not necessary to mention anywhere in the Constitution, since if we had a clause in it that ensured that we are all equal in this country regardless of sex, race, colour or religion, no group would need fear discrimination of any kind providing that any conflicting or contradicting clauses as now exist be eliminated. Please remember that if Meech Lake goes through with only these minor changes proposed by the other Parties, the veto or unanimity problem would remain, and it doesn't matter if you're a woman or of Indian descent, we will all be powerless to change anything.

Since last December and the Bill 101 fiasco in Quebec, many became angered that our Constitution should contain such a thing as a notwithstanding clause for provinces to override Supreme Court decisions. Yes, it is maddening that Quebec Premier Bourassa used the clause and so restricted Canadian's freedom of expression in that province. Our Prime Minister should have used the power he has and overridden the Premier's decision since it contravened this right of expression, yet he failed to do so, which doesn't surprise me considering his political ambitions.

* (1230)

To understand however the true value of the notwithstanding clause, we have to look at the other side of the coin. What would happen if a Supreme Court decision was quite unacceptable and perhaps even unfair to a particular province? Then that province has only one saving grace and that is the ability to use the notwithstanding clause. The provinces need the protection of the clause and the Prime Minister should not be allowed to destroy it.

Something I think we all need to understand is that the role of the Supreme Court should be only that of an advisory group. How can we let nine people have final say and the godlike power that they possess? The power should be that of the Parliament's, those sworn to represent the people.

Getting back to the notwithstanding clause, the strangest part of Quebec's use of the clause is that Quebec did not sign the '82 Constitution of Canada; however, they are continuing to act like they are part of it. What is wrong with our Constitution that it does not stipulate the disadvantages of being a non-signator to it? What is all the big fuss about them joining, if they are already entitled to the advantages, plus some?

I would like to address one other section of the Accord, that being Section 50 which states that once a year the First Ministers and the Prime Minister will have a conference on the Constitution. This sounds like a good idea, but only would it be a worthwhile endeavour if the First Ministers were to know previously what was on the entire agenda and providing that the citizens of their provinces had a chance to study the proposed changes and were able to convey their concerns and wishes to their Premier. This would ensure that the wishes of the majority were truly represented at the conference. I'm certain that had that been done in all the other provinces prior to the signing of Meech Lake that they would not have signed it either. In fact,

I believe that had the citizens of Canada had a say, the only signator would have been Quebec.

My heart really goes out to those Quebecers who really are satisfied to be on equal terms with other Canadians and who put being a Canadian first before being a Francophone. It's a shame that a few militant and aggressive Quebecers insist on trying to make the young in Quebec believe that they are being cheated and deserve better than their fellow Canadians. It makes me wonder if what they want is another Northern Ireland.

At this point, I would like to mention that the provincial COR Manitoba Party made the Meech Lake Accord one of their major campaign issues in the 1988 provincial election. It was purposely ignored by the major Parties unless they were directly confronted, and in many cases the electorate was told that Meech Lake was a federal matter and that it was not pertinent to the election provincially. I suggest that all provincial political Parties keep it in mind that federal politics strongly affect the provinces and that in the event that our MPs fail to truly represent our best interests, they, as our provincial representatives, must take measures to ensure that our province is protected. Never must you forfeit what is best for the province and its people for any personal or political gain.

Thank you to those who have listened to me today, and I hope that if the Accord does not pass that we do not stop there but proceed to press for a vote on our Constitution and its parts. Thank you.

Mr. Doer: Just so I understand, you are opposed to the Charter of Rights then, are you?

Ms. Armishaw: The Charter of Rights, as it stands, is quite flawed.

Mr. Doer: So you are opposed to the existing Charter of Rights in the Constitution?

Ms. Armishaw: Yes.

Mr. Doer: Thank you.

Mr. Chairman: Thank you very much, Ms. Armishaw.

Ms. Armishaw: Thank you.

Mr. Chairman: Now, representing the Rural Municipality of Shoal Lake, Reeve Edmundson. Thank you for your short, written presentation, sir. It bodes well for helping us with the time problem. Please proceed.

Reeve Edmundson: I thank you. The reason that it is reasonably short, Mr. Chairman, is the fact we felt the Task Force had probably heard just about everything by this time, being well into the second day, and also the fact that now you've been going for some period of time. We wish primarily to show our support, and where we were concerned on certain things in the Meech Lake Accord. We have not touched on the notwithstanding clause in the Constitution or the Constitution in that fact, because we felt you were dealing with the Meech Lake Accord, and our presentation is such:

Thank you for the opportunity to express our council's concerns regarding the Meech Lake Accord. Our concerns are:

- 1) Quebec not signing the Constitution in 1982
- 2) Quebec expecting the balance of Canada to secede to their demands in the Meech Lake Accord
 - (a) Being a distinct society
 - (b) Special role in appointments to the Supreme Court of Canada
 - (c) Limitations on federal spending power
 - (d) Greater provincial role in immigration
 - (e) A veto for Quebec on constitutional amendments

If all the provinces sign the Meech Lake Accord with the above in place, the provincial Government of Quebec will have the same powers as the federal Government, leaving the rest of Canada as a separate entity. No other province has, as yet, requested linguistic rights for its own province or requested linguistic rights be imposed on the rest of Canada, although there may be a nationality comprising the majority in that province. Some of this, just as a note in there, would be supportive of our Native people, who made presentations here this morning and could be a language of the North. This type of thing is what we were thinking of.

It has probably been stated to your commission many times, and we feel it cannot be emphasized enough, Quebec wishes to use parts of the Constitution to its own benefit although they have not signed it. As well, Quebec has not adhered to the judgment of the Supreme Court as we have had to do in Manitoba. We believe, before any Accord such as Meech Lake is signed, all problems and disagreements must be rectified, including Senate reform.

We support the Government of Manitoba in its stand on the Meech Lake Accord and encourage all Parties not to ratify any Accord, until such time as the Government of Quebec is willing to sit down and negotiate terms for the governing of Canada as one country, and not one country and Quebec. Thank you very much.

Mr. Chairman: Thank you, sir. Any questions? Thanks again.

The final presenter this morning is Mr. John Mitchell, representing the Rural Municipality of Rosburn. Go ahead, Mr. Mitchell.

Mr. Mitchell: Thank you, Mr. Chairman. I guess good afternoon, Members of the committee.

We appreciate the opportunity to express our views on the Meech Lake Accord. It is imperative that all Governments in a democratic state grant their citizens the opportunity to make their views known in a public forum. There have been many major decisions made by our leaders behind closed doors. These decisions may impact negatively, in some cases, on Canada and the citizens of the nation for years to come.

The Meech Lake woes—it is said, and we agree, that the Meech Lake Accord is flawed. The manner in which

it was conceived leaves little doubt that the Accord would be flawed. It would appear that the Prime Minister and the First Ministers were ready to give up the ship in order that Quebec become a signatory to the Constitution.

What is the meaning of a distinct society? Is it a loophole like the notwithstanding clause in our Constitution that gives a province veto powers over Acts of Parliament, our Constitution and the Supreme Court? Our federal Government is obsessed with the notion that we must have several classes of citizens in Canada. There are those with inherent rights entrenched into perpetuity by Treaty, and others who claim status by their ancestral forefathers. Now, in the last few years, we have special recognition and status for our French-Canadian people.

* (1240)

The federal Government has seen fit to spend millions of dollars in promoting and enforcing the second official language throughout Canada, including provinces where only 5 percent of the population is Francophone. Little wonder that Canada is \$300 billion-plus in debt. Equality no longer exists and one law does not appear to apply to every citizen. So much for national unity and harmony!

Correcting the wrongs of the Meech Lake and Government policy. The business language of the world is English. French is not even in the top 10. Just a side comment on that of this thing, when we watched the works of the World Figure Skating Championship lately in Paris, you would have thought the country of the origin of that event would have had their advertisement on in the language of their country, but it was not even so. I wonder if this is what this whole kaffuffle is all about. Why is the federal Government so intent on making us all speak the two official languages when one should suffice? Surely now that we have Free Trade Agreement with the Americans, they will not wish to communicate with us in French.

Canada is a multicultural, multilingual nation. We have respected each other's culture and language for some 100 years, and have been able to get along with each other without Government interference. We speak to each other in most regions of the country in the English language although we come from different ethnic backgrounds. The Government should have learned by now that they cannot legislate culture and language upon the people. This is something that is done by one's free will. They have driven us into massive debt and accomplished nothing. In fact, the wedge between the English and the French languages has been driven even deeper by Government's obsession to make Canada bilingual.

Our recommendations to the Task Force are as follows:

The Meech Lake Accord must be scrapped or major amendments made to it, not behind closed doors but in public by public debate;

The federal politicians must start listening to their constituency. Presently they are pawns of policy

contrived by Ottawa and/or their own political philosophy, masterminded by the Party Leaders and his chosen cohorts.

I would like to deviate there for a moment. I had the opportunity some time ago to travel as far east as you can. The next step would have been into the Atlantic Ocean. But in talking to the people down there, they said the "West" and they couldn't say much else about the West because we are west to them. I wondered what they meant by the "West" and when you got them to finally describe it, I am glad we didn't fit in the "West" description. Their "West" description was the Ottawa/Montreal triangle and there aren't too many of them words in the good book that they used to describe that west. I asked what we were out here and we're the Prairies. So I was quite glad to find out that we did not fit into their situation of the West as we are always considered—we're the bad guys from the Ottawa/Montreal/Toronto triangle.

We cannot afford the extravagance of two official languages. In a recent release, the C. D. Howe Institute states that Canada could all end up being a lot poorer if the federal Government does not act now to curb the public debt.

Undoubtedly, the promotion and use of two official languages catering to the whims of minority groups and limited funds for the French services and organizations throughout Canada has been a significant factor in the accumulation of national debt.

Recent series of events lead us to believe that we are in the process of creating a three-in-one country. Now, if you'll notice in the presentation there, the Natives, I found a new description from our friends this morning and it is now—I believe I have inserted into my working paper—"the original people" are demanding self-government. The Francophones are demanding their special status and then there's the rest of us who will have to find some miraculous way to keep Canada from becoming a Third World country.

Let us do everything in our power to see that this does not happen. It will be devastating to the country.

Canada is a mosaic of many peoples from many parts of the world but proud Canadians, nevertheless. We shall strive to work together on an equal footing with one language but with respect for each other's diverseness.

It is time we faced all the realities and placed the interests of the country first and foremost, and the well-being of the nation must come before the egotistic interest of any province, region or segment of society. We must get on with the job of making Canada a nation that is respected and envied by all the nations of the world.

Thank you for listening to the presentation and I am open to any questions.

Mr. Chairman: Are there any questions? Thank you very much, Mr. Mitchell.

That concludes our morning session, ladies and gentlemen. We'll start again at 2 p.m. and we'll hear

the two presenters first who were kind enough to agree to be bound over till this afternoon. Ms. Bilowus and Ms. Deller will appear first this afternoon. We are adjourned until 2 p.m. Thank you.

RECESS

* (1400)

Mr. Chairman: We are in a public hearing, being on the issue of the Meech Lake Accord, and this is the Meech Lake Task Force whom you see sitting, looking at you around this table.

Is there anyone this afternoon who would like sign language interpretation, as is now being given by Ms. Carothers? I think you can probably join us in the audience, Ms. Carothers. Thank you.

Our first presenter this afternoon—we are not going to go through the formalities of introduction of Task Force Members and so on. We will get right to it. We seem to see mostly familiar faces from this morning.

Our first presenter this afternoon will be Mrs. Ruth Bilowus. I am not sure I pronounced that right. Is that correct? Oh, I was lucky, thank you, Mrs. Bilowus. We are ready; please proceed when you are.

Mrs. Bilowus: Thank you. My name is Ruth Bilowus and I thank you for the opportunity to present my brief—participatory democracy in action.

I am a concerned citizen of Canada. I am concerned, first and foremost, because I am a woman, a wife, a mother, a grandmother, a senior, a retired teacher, a Manitoban and a Westerner. All of these roles give me cause for concern regarding the Meech Lake Accord.

As a Task Force, you must be getting weary of hearing the same concerns over and over. They are repetitious. Are you tuning yourselves out? I hope not. The fact that these concerns are repetitious should indicate the flaws in the Accord and how important they are to so many. Maybe, as they say, if you say something often enough and forceful enough it will be heard, it may be believed, and might even be acted upon.

I read just recently (Winnipeg Free Press, April 16, 1989—John Douglas re Clifford Lincoln) that a prominent Quebec Liberal wants us to set aside our constitutional differences and get on with the larger issues facing our nation, e.g., pollution. What can be of greater significance than the Constitution of our country, the document by which we are governed?

I must say how confusing I find this whole scene. An ordinary Canadian would like to think that those high up in the political scene should be able to shed some light on the subject. One says minority rights are not at risk; another says they are. Whom do you believe? Who decides? The courts? Then you hear remarks like, that was never their intention. This is not the "spirit" of the Accord. How does one know the intent or spirit? Who does? Very few were behind those closed doors when the Accord was concocted. If the "intent" or "spirit" is not known now, what happens 15 to 20 years down the road? For changes to this very important

document, let's have no more of this business of a few men only behind closed doors, and in a very few hours telling Canadians how their Constitution should be amended, and also telling them that's it—no changes. Let's make sure the intent is written in, that the rights of women, the elderly, the disabled, etc., are mentioned so they will be protected, not subject to the whims of judiciary interpretation. There should be no doubt, no legal challenge. Nothing in the Accord should abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms.

I believe every woman, whatever her role, indeed every Canadian citizen, should be concerned if the federal nature of Canada is weakened, as it surely will be if the Accord is ratified.

National cost-sharing programs in the fields of health care and social services will undoubtedly have lowered standards if provinces can opt out and do their own thing. Why should my grandchild living in Toronto receive better quality day care, or any other service, than my grandchild living in Manitoba? What about the disabled or elderly? If an elderly person requires home care but does not need to be institutionalized, or a young person who is disabled is struggling for independence, happens to live in a poor or backward-thinking province, they will not get the same assistance those in similar circumstances in a wealthy, progressive province would receive. I may be naive, but not that naive as to think otherwise.

When you are a have-not province, such as Manitoba, you certainly want a strong federal Government. If federal Government funds are meant for a particular service so that standards can be upheld or improved, they should be used for that purpose, not on something else the provincial Government feels is a priority or is simply short of funds for another program.

* (1410)

Defining Quebec as a distinct society causes me concern also. Distinctive yes, but not distinct. As defined in the dictionary, that means separate. If that is what Quebec wants, maybe that would be best. I like to think of Quebec as part of Canada. How much do we have to pay or give up to have Quebec with us? I always thought we had Quebec with us anyway. Where has she been if not with us? Perhaps she is that expensive mistress, always demanding favours, money, power, but never becoming part of the family. Once declared a distinct society, Quebec will have additional special powers and rights. Quebec and the other provinces will be strengthened at the expense of the federal Government. This, to me, provides the basis for the subsequent disintegration of Canada. The concept of a common Canadian citizenship will wither, and inequalities between provinces will flourish.

I am concerned about minority language rights, including the French-speaking minorities in Saskatchewan and Manitoba or the rest of Canada, and also the English-speaking minority in Quebec. Mr. Bourassa said the Accord, if passed, would have given him all the power he needed to limit the use of English.

In other words, the Accord is a super notwithstanding clause.

Canada could be turned into a patchwork of rights. Canadians, as a whole, should have a concern for equal rights. That's the only way they will be sure where they stand, as they go from one part of Canada to another, and we are a mobile population.

In a recent interview with the Financial Post, Mr. McKenna from New Brunswick said, "I have an ideological nervousness about Meech Lake that transcends any individual concerns. It's the nervousness of seeing power decentralized in this country. I believe that in an increasingly complex and competitive world it is the wrong direction . . . New Brunswick is always sensitive on constitutional matters because we do have two linguistic communities, compounded by the fact we've been one of the disadvantaged provinces. So, historically, we've needed a strong federal presence both to protect linguistic rights and economic rights."

For a sister province with similar characteristics we should perhaps take heed.

What if our Territories should want to become provinces? Should they not negotiate with Ottawa? Why should we be involved? Why should any one province be able to block the process of another area, like the Territories, wanting to join Confederation?

It seems to be a consensus, at these hearings at least, that the Senate needs overhauling. Personally, I think a large portion of our national debt might be paid by now if it were abolished. I was so glad to hear someone suggest it yesterday and again today. Somehow hearing it from someone else confirms it in your mind.

Then you hear someone say that the Senate provides that sober second thought, the balance. Really? Then if it must be, elect them. They need to be responsible to the people, not their particular Party. There are retirement homes where these excessive numbers we now have may go. Two elected from each province should be enough.

Appointment of judges to the Supreme Court is a concern. Simply because of numbers, there may be more who are deserving from the more populated areas, but I think each province should be represented. How would you get rid of political bias? I simply do not know. Perhaps the major Parties in each provincial Legislature could get together and agree on a particular judge.

As far as I am concerned, this whole business boils down to equality rights for everyone, whether you are man, woman or child, senior, disabled, one of any race, poor, wealthy, one of any ethnic origin, a speaker of one or several languages, living in Toronto or rural Saskatchewan, or one of many religious beliefs in Canada. We have Canadian citizenship, not Manitoba or Ontario citizenship.

Will this Task Force lead to another set of legislative hearings? Whatever, please continue to do what you can to amend this Accord so that equality will prevail. If you can't, then let it die. It is a most natural thing for some things to do.

Mr. Chairman: Thank you very much, Mrs. Bilowus. I see there are no questions.

The next is Ms. Terri Decker. You are appearing as a private citizen?

Ms. Decker: That's correct.

Mr. Chairman: Thank you.

Ms. Decker: Mr. Chairperson, Members of the Task Force, I wish to thank the Task Force for the opportunity to speak to you today. I am a Manitoban who has several concerns about the 1987 Meech Lake Constitutional Accord. Today I wish to address my concerns about equality rights and process.

Women worked long and hard in the years before 1982 to ensure that I would be a "person" in Canada, that I could vote, and that my equality rights were guaranteed. I appreciated the work done by these women on my behalf, and never thought that once again the equality rights of women, of differently abled people, senior people and others would be in jeopardy. However, I appear before you today because my equality rights have been jeopardized in the 1987 Meech Lake Constitutional Accord by its failure to protect the rights and freedoms, which were guaranteed to me as a woman and as a person who one day may be a senior in the Canadian Charter of Rights and Freedoms.

The Canadian Charter of Rights and Freedoms prohibits discrimination on the basis of race, national or ethnic origin, colour, religion, sex, mental or physical disability. All rights and freedoms are guaranteed to men and women equally. The Meech Lake Accord fails to guarantee the basic rights and freedoms. It specifically guarantees multicultural and aboriginal rights and sets up a hierarchy of rights. It is probable that if the rights of women or the elderly, or the differently abled, come into conflict with those protected under Clause 16 in the Accord, the courts will find, because multicultural and aboriginal rights were expressly singled out of a list of protected rights, that the other rights were intentionally excluded and are therefore relegated to second or third place.

What is not written in the Meech Lake Accord is most important. Yet in years to come what is written is what will be followed, not the alleged intentions of the politicians who hid themselves away at a resort in 1987. Eleven men decided in the early hours of the morning that equality rights would be left out of the Accord. Why?

There are other flaws in this Accord addressed by other speakers. The Meech Lake Accord should not be ratified until these flaws have been corrected and in a democratic manner. Eleven First Ministers should not be allowed to make changes to our constitutional documents in secret. The Constitution belongs to the people. In a democracy, the citizens have input into that process. Input is not a hastily called Joint Committee hearings where the citizens were informed that there would be no changes unless there were "egregious errors." My Thorndike Barnhart Dictionary defines "egregious" as outrageous, flagrant and

remarkable, extraordinary. Is it not outrageous that equality rights of women, elderly and differently abled people have been left out of the document which will amend our Constitution? What kind of error could be more remarkable or extraordinary as to ignore the rights of over 50 percent of the population of Canada?

* (1420)

By entrenching equality rights in the Charter in 1982, certainty was provided—until Meech Lake. Politicians ask us to trust them and they imply that everything will be okay and it will all be looked after once we have ratified the Accord as it is. If our leaders truly believe in equality rights for women and men, for the disabled and others, and if they are truly wanting to do away with systemic discrimination, and if they are interested in the democratic process, they will ensure that equality rights are protected and are written into the Meech Lake Accord.

The issue of certainty becomes more significant when one considers that in order to make everything okay, once the Accord is ratified as it is, it will be necessary to have unanimity. Some of our politicians who are in favour of the Accord have stated that this is or will be virtually impossible. I cannot trust anyone to change the Accord after it is ratified. It has to be amended now.

I am a homemaker and a lawyer. In my job, unpaid as a homemaker, I know that you repair things before damage can be done. In my job as a lawyer, I see some of the results of the inequality between men and women in our country. I do not advise clients to sign documents which are badly drafted and which do not protect their interests. I cannot say to my clients, "Agree with this flawed document now. You can change it later." That would be negligent of me. In the same way, why should we citizens of Manitoba and Canada ratify the 1987 Meech Lake Accord, a flawed document? Indeed, the rights and interests of the citizens of an entire nation are not protected.

Women have contributed to our Canadian society for years. They have had to fight for equality rights for years. I have observed at the Task Force hearings I attended in Winnipeg and in Brandon that many of the women who have made presentations have focused on the issue of equality rights, women's equality rights and the equality rights of others not protected in the Accord. They have spoken to the issues in a rational manner. They have not participated in the name calling about Quebec or the presentations made by others. Most of the men who have presented have focused on the notwithstanding clause in the Charter, the veto, the Senate. Why? Is it because their rights as individuals are not in jeopardy? Yes. These other issues are of concern to me also and of concern to other women, but the equality rights of women and others are the greatest concern to me. If my equality rights are not guaranteed, then other issues may well be irrelevant.

I also note that there was only one woman on the Task Force yesterday and one woman on the Task Force today. Is this representative? If we as women do not speak for our rights, no one else will.

I do not ask or expect men to speak for me, but thus far there has been little or no support from the men who have presented. These are men who may have wives, daughters, sisters, granddaughters. This lack of support or serious consideration is precisely what has been happening as our politicians tell us not to worry and that our rights are protected. Our equality rights have not been protected. Women have to have a common voice; we are our only voice.

I have a vision of society where discrimination against women is not condoned by Governments or citizens, a society where my energy will not have to be further expended in having to continue to work to ensure a guarantee of equality rights. I am asking that the people who I helped to elect to the provincial and federal Governments stop paying lip service to the issue of equality rights and put it in writing by entrenching equality rights for women and others in the 1987 Meech Lake Constitutional Accord by amending the Accord to include a clause which you have heard many times in representations today and yesterday and all over Manitoba, I'm sure, "that nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms." Thank you.

Mr. Chairman: I don't see any questions. If I may, Ms. Deller, just very gently take the smallest of issue with you, the normal complement of the Task Force is two women. Mrs. Carstairs was not able to be here today and we are delighted Mrs. Hammond is, but we normally have two women. My research director is a woman, Kathy Brock. You can see the staff are well represented by women. I guess in a force of six Members of the Legislature, two women represents 33 percent of the Task Force which is disproportionate in quite a substantial measure from the number of women in the Legislature.

I don't want to sound defensive, but on the other hand I don't want to see the record show that we have not given consideration to issues of balance and appropriate representation, based on ability of course.

Ms. Deller: Mr. Chairperson, I think that your comments quite adequately point out the problem that I am addressing, the issue of equality rights and the fact that women are not equally represented in our Legislatures, in our other Government areas, in our teaching professions, in our legal professions and the issue of equality rights is a very serious one, and to have forgotten all about it, ignored it, indeed that is the issue that I am concerned with. I think that your comments have basically confirmed my position, that there are problems with representation. And yes, I realize that there are several people you could call upon for your Task Force. Thank you.

Mr. Chairman: Thank you very much. Our next presenters are Misses Currie, White, Hodgson, Gould and Guilfoyle, who represent the Kenton-Hamiota Women's Study Group. Is it Gold or Gould?

Mrs. Ellen Gould (Kenton-Hamiota Women's Study Group): Gould.

Mr. Chairman: Thank you. Just give us a moment and we will get the papers distributed.

Mr. Chairman: We're ready to proceed, Ms. Currie. Thank you.

Ms. Kim Currie (Kenton-Hamiota Women's Study Group): Good afternoon, honourable Chairperson and committee. We appreciate the opportunity to present our views on the 1987 Meech Lake Accord.

My name is Kim Currie. I am the spokesperson for the Kenton-Hamiota Women's Study Group. We are a group of rural women who meet and endeavour to learn more about issues that affect us as women. Our goal is to be a positive force in our own future and that of our children.

Our most recent topic of study has been that of the Meech Lake Accord. We, as a group and individually, have been studying the document in question and we have some serious concerns about how the Accord as it is presently drafted will affect the equality rights which are presently protected in the Canadian Charter of Rights and Freedoms.

This is the area I will be speaking to you about this afternoon. Other members of our group who have specific areas of concerns will also be addressing you.

Our group supports the objective of the Meech Lake Accord to bring Quebec in as a signatory to the Canadian Constitution. However, we believe that Charter rights are at risk through provisions in the presently drafted Meech Lake Accord, expressly that of Clause 16. Clause 16 of the Meech Lake Accord provides that nothing in Section 2 of the Constitution Act of 1867 affects Section 25 or 27. Thus, the Accord specifically protects aboriginal and multicultural rights, which we believe do deserve protection, but not at the expense of other Charter rights. We believe that by expressly listing some rights the implication may be to exclude other rights. It also sets up a hierarchy. It is not only women's rights that stand to be affected but also the rights of the disabled, the elderly and others presently protected in the Canadian Charter of Rights and Freedoms.

• (1430)

We strongly believe that the way the Accord is presently drafted sets up a conflict which is unnecessary by specifically supporting some but not all groups referred to in the Canadian Charter of Rights and Freedoms, Section 15, which states, "(15.1) Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability."

The Government of Manitoba is in an instrumental position to ensure that the rights and freedoms sanctified in the Charter continue for all people in Canada. We have fought long and hard for our fundamental rights and they must be protected in a way that is beyond any doubt or legal challenge, as they were intended to in the Charter.

We want the Government of Manitoba to hold out for amendments to the Meech Lake Accord, amendments that will ensure that equality rights will remain protected as under the Charter. Along with this presentation, I have, as other members of our group, collected a number of signatures which, I might add, have 201 signatures on a petition that states, "We believe that the equality rights now protected by the Canadian Charter of Rights and Freedoms are jeopardized by the 1987 Meech Lake Accord."

"We therefore call upon the Government of Manitoba to refuse to ratify the 1987 constitutional Accord until it is revised to ensure that nothing in the Accord abrogates or derogates from any of the rights and freedoms now guaranteed in the Canadian Charter of Rights and Freedoms."

I would like to thank you, the panel, very much for listening to our concerns and trust that the Government of Manitoba will ensure equality rights for all Canadians in a way that is beyond any doubt or legal challenge, as it was intended to in the Charter. Thank you.

Mr. Chairman: Thank you. I wonder if we could have the other members of your group stand up and be acknowledged.

Ms. Currie: They also have presentations to read, too.

Mr. Chairman: Oh, I see.

Ms. Currie: Yes, they do. Would you like me to introduce them?

Mr. Chairman: All part of the 20 minutes?

Ms. Currie: Yes, they are. They're real short.

Mr. Chairman: No, we won't do that because we'll see them as they come forward then.

Ms. Currie: Oh, okay.

Mr. Chairman: Is that the way it will work? They will each come forward and say something?

Ms. Currie: Yes.

Mr. Chairman: I am just going to sort out how much time you have left so we will give you fair warning. How many more are there to present? Two more? Three more? We won't knock off the time for this talk though or the passing out of the papers. Just a second, please. You have 14 minutes left.

Ms. Rachel White (Kenton-Hamiota Women's Study Group): Good afternoon. My name is Rachel White and I am presently a student at Hamiota Collegiate in Hamiota. My interest in the Meech Lake Accord stems from the fact that I will soon be able to vote within a year and will be entering the job market as well.

Last year, my whole class took part in a course described as Career Preparation 105. This course almost undoubtedly ensured each and every one in my

class, whether male or female, equal opportunity and rights in the future, but now all these rights I feel are jeopardized by the present existing Meech Lake Accord.

Going into the job market within the next year and-a-half is going to be scary enough with equal opportunity rights, but now without these ensured I am beginning to become apprehensive about my future. My choices and my generation's choices are going to be greatly influenced by the passing of this legislation as it presently stands, since my generation is said to be the future of Canada.

I would also like to point out that I believe strongly in a bilingual mosaic Canada, but with the signing of the present Meech Lake Accord I believe that all Canada's rights are in danger. All our country's peoples, young, old, male, female, etc., have fought continuously to get where they are today. I don't want to see this all lost. Even though I was not part of the past changes of Canada, I do want to be part of the future of my country. Thank you.

Mr. Chairman: Thank you very much. We are ready to proceed, Mrs. Gould.

Mrs. Gould: Good afternoon. My name is Ellen Gould, a mother and grandmother living in retirement with my husband near Kenton, Manitoba.

I have many concerns regarding the Accord. My foremost concern, and that which has led me to be here today, is a concern for all citizens of our country but especially for our handicapped people. I am very grateful to your commission for this opportunity to state my feelings re the 1987 Meech Lake Accord.

I am concerned that too much power is given to the provinces to the detriment of national strength and unity. May I refer to Section 106A(1) of the Accord which reads:

"The Government of Canada shall provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives."

If this clause should become part of our Constitution, it would have a very serious adverse effect on our way of life in Canada. We have a great country and we want it to move forward as a strong, united democracy. We must not put limitations on this progress by risking the equality of individuals. Programs such as Medicare must be universal to be effective. If we lost Medicare, the handicapped, the aged and the poor would suffer most. We do not want our country to be divided into separate isolated communities. If provinces were allowed to opt out of national shared-cost programs, the results would be very devastating.

I sincerely welcome the Province of Quebec into the Constitution, but I do not believe that any one province should be treated as a distinct or privileged society. It

is a fact of life, if one child in a family is granted distinct privileges, there is much trouble. I deplore the exclusion of our northern country people of the Yukon and Northwest Territories, who appear to be left out of future Accord agendas, to negotiate their possible entry into the Constitution.

I fear that the Meech Lake Accord will jeopardize the Canadian Charter of Rights and Freedoms, especially Section 15 which deals with equality rights. I am most concerned with the rights of the handicapped and the aged members of our society. These persons are most at risk in maintaining their independence. I have had much personal experience in this area as the mother of a severely physically handicapped daughter. Handicapped persons have had a long, continuing struggle for the right to equal opportunity in the work force, and to lose that legal protection would be a most retrograde action.

In conclusion, I strongly believe that the Accord must not take precedence over the Canadian Charter of Rights and Freedoms, and I urge the Government of Manitoba to refuse to ratify the 1987 Constitutional Accord, the Meech Lake Accord until it is revised, to ensure that nothing in the Accord abrogates or derogates from any of the rights and freedoms now guaranteed in the Canadian Charter of Rights and Freedoms. I thank you.

Mr. Chairman: Thank you Mrs. Gould. Go ahead please Ms. Guilfoyle.

* (1440)

Ms. Geraldine Guilfoyle (Kenton-Hamiota Women's Study Group): Good afternoon, my name is Geraldine Guilfoyle. I came to Canada as an immigrant in 1981 and became a citizen of this great country, to which I pledged allegiance in 1986. I speak only on my own behalf, but base my concerns from a background of being a mother, wife, educator and scientist. I am also a member of a minority religious group, the Baha'i faith.

I applaud the Government of Manitoba for holding these public hearings. I believe the Government is not only accountable to the people it serves, but has a duty to consult with the people before making changes to a fundamental document, which is the framework for all the laws of the land. It is a tribute to the Government of Manitoba that despite pressure to the contrary, they have chosen to hear the people of Manitoba. I believe these hearings will not weaken the final Accord, but rather strengthen it as "the shining spark of truth cometh forth only after the clash of differing opinions." The diversity of the peoples of Manitoba can strengthen this Accord if their voices are heard and listened to. I, therefore, urge the committee to consider carefully what each participant brings to this meeting.

My own specific concerns with the Accord is that the special places given to English and French, the two dominant cultures in our society, may be a source of ambiguity and may lessen the power of Section 15 and Section 28 of the Charter of Rights and Freedoms. Section 15 states: "Every individual is equal before

and under the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." Section 28 states: "Notwithstanding anything in the Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons." These guarantees carry the hopes, aspirations and dignity of many distinct people in our society. They also automatically protect the rights of English and French-speaking Canadians.

I, therefore, ask the committee to recommend that amendments to the Meech Lake Accord contain in its final draft: "Nothing in the Meech Lake Accord should abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

Constitutionally, I am concerned with an Accord that may serve to weaken central Government on issues that affect the country as a whole. Our environment cannot be carved up among provinces. Industrial and agricultural operations in one province can have a profound effect on the environment and ecology of another. We, as citizens of an endangered planet, must start to act in a manner that serves the needs of humanity and not just the short-term goals of a few. This is not easily done and requires courage and selflessness, but it may well be our only hope.

I therefore question the wisdom and/or clarity of Clause 106A(1) of the Accord which states: "The Government of Canada shall provide reasonable compensation to the Government of a province that chooses not to participate in a national shared-cost program that is established by the Government of Canada after the coming into force of this section in an area of exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objectives." Does this mean that a national program to clean up the environment, preserve the integrity of our water sources or protect wildlife may be undermined by failure to comply at provincial level?

In summary, I would like to thank the committee for graciously listening to my presentation and to extend my heartfelt wishes and prayers for the ultimate success of their work. Thank you.

Mr. Chairman: Thank you, Ms. Guilfoyle. Any questions from Task Force to the members who have spoken? Mr. McCrae.

Mr. McCrae: Mr. Chairman, I let you know a few minutes ago that I had a comment to make and you made it clear that it had to be a question. But I do have a point of clarification—

Mr. Chairman: You can have a suitable preamble, Mr. McCrae.

Mr. McCrae: Maybe we can gerrymander this into a question somehow.

Mr. Chairman: I am sure you can.

Mr. McCrae: But it's for Ms. White. In your comments you referred to your generation being said to be the

future of Canada. I would like to ask you if you wouldn't mind correcting that—that your generation is the future of our country? And if you would do that, then if you would also take the message to everybody else at Hamiota Collegiate that that's the way I and the other Members, I believe, of this Task Force feel about that, and people of your generation coming forward at this time to let those concerns be known are doing a favour for everybody else.

Mr. Chairman: I take it your answer is yes, Ms. White? Are there any other questions? Thank you very much again to the Hamiota ladies' group and the presenters today.

The next presenter is Ms. Shari Hirst. You are appearing as a private citizen, Ms. Hirst?

Ms. Shari Hirst (Private Citizen): Yes, I am.

Mr. Chairman: Thank you for your written brief. We are ready to hear you.

Ms. Hirst: Mr. Chairperson and Task Force Members, before I begin, I'd like to apologize for my absence yesterday. I was unavoidably detained.

As a private citizen in Canada, I am dismayed by the process by which our First Ministers are attempting to amend the Canadian Constitution. First, a private midnight bargaining session to develop the document and then ratification in several of the provinces without the input of its citizens. This is not my vision of Canada, and I commend the Province of Manitoba for bringing the Task Force to Brandon and allowing me to speak.

My major concern with the document is how it will be affecting equality rights for women. As someone who fought for the Charter of Rights and Freedoms to be expanded to include equality rights and also as the mother of two daughters, I feel strongly that nothing in the Accord should abrogate or derogate from the Charter of Rights. By specifically including aboriginal and multicultural rights, the Accord implies the exclusion of the other named Charter Rights.

While it may not be the intention of the original authors to do this, no one can predict the interpretations of the courts where ultimately this will be settled. It only makes sense, therefore, to clarify this issue now.

I would recommend that either Section 16 of the Accord be expanded to include all of the Charter rights, or that Section 16 itemization of aboriginal and multicultural rights be deleted so that no specific group is singled out. Thank you.

Mr. Chairman: Thank you. Mr. Edwards?

Mr. Edwards: I have a brief question for you, Ms. Hirst. In the first paragraph, the process point, do you have any thoughts as to how it could be a better process? Do you favour a referendum including all of the citizens of the country or—I guess my thought is we have had hearings and we know that they do not always work, federally and in other provinces. Do you have any thoughts as to how we go about doing or enacting constitutional change in a better way?

Ms. Hirst: I would think that in the next round of negotiations for the Accord that public opinion is absolutely mandatory, and that even though the Task Force hearing process is lengthy and does not always work, it is certainly better than the alternative that they had tried.

Mr. Edwards: Thank you.

Mr. Chairman: Thank you very much again. Mrs. Greenshields. You are representing the Brandon Women's Liberal Commission?

Mrs. Doris Greenshields (Brandon-Souris Women's Liberal Commission): It should be Brandon-Souris Women's Commission.

Mr. Chairman: Brandon-Souris Women's Liberal Commission. That is a capital L, meaning Liberal Party, is it?

Mrs. Greenshields: Yes.

Mr. Chairman: Thank you.

Mrs. Greenshields: Mr. Chairman and Members of the panel, I am presenting a brief on behalf of the Brandon Women's Liberal Commission. The Brandon Women's Liberal Commission members are happy to have the opportunity to present our concerns and recommendations before this panel on the Meech Lake Accord. We look forward with anticipation to the final outcome emanating from your deliberations with the people of Manitoba.

* (1450)

We believe that the process by which major constitutional change is being made in Canada today is making a mockery of the democratic processes we value. The process of what 11 men agreed to in the middle of the night cannot be changed, is incredible. Do we have a democratic process when two provinces are being pressured to approve the Accord, we ask? Our concern is that public hearings should be taken seriously and given credibility. Amendments to the Accord are necessary now before the Accord is entrenched in the Constitution.

The Meech Lake Accord is not a Quebec issue. It is an issue for all of Canada. Quebec's legitimate concern for linguistic and cultural security is one aspect of the Accord, and like other aspects has an impact on all Canadians. To ask for amendments to the Accord is not to be anti-Quebec. That is why we urge caution and amendments before the Accord becomes entrenched in the Constitution. The Women's Liberal Commission, Brandon-Souris, has three principal concerns with the Meech Lake Accord.

1. The adoption of the Meech Lake Accord will give every province a veto over constitutional change. This provision, which requires unanimous consent from all provinces, will make constitutional changes difficult, well nigh impossible. Any group or region which is not

presently enjoying economic, social or political equality will find it very difficult to implement changes.

Our recommendations: Retain the present formula for amending the Constitution of Canada as set out in the Constitution Act of 1982.

2. Rights protected by the Canadian Charter of Rights and Freedoms are no longer guaranteed under the Accord. Clause 16 of the Accord specifically exempts multicultural and Native rights from being affected by the Accord's guarantee of linguistic duality and the distinct society. This gives an opening for judicial interpretation that other individual rights are affected by these provisions. Many learned legal opinions have stated that since the Accord gives express protection to some Charter rights it must be concluded that other Charter rights are not protected, that they are purposely excluded. This means that men and women could be discriminated against by Government actions under the distinct society and linguistic duality provisions, and that the courts could not find such actions unconstitutional.

Our recommendations: We are asking the Manitoba Government to amend the Meech Lake Accord by including the following in the final draft: "Nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

3. The Accord allows provinces not to participate in national shared-cost programs if the province carries on a program or initiative that is compatible with national objectives. The vagueness raises concern that no national social programs, such as Medicare, can ever again be established, that Canadians in different parts of the country will not receive equal treatment. The Meech Lake Accord probably makes it impossible for us to have national cost-shared programs again. It gives the provinces the opportunity to opt out.

Our recommendations: First, to say Canadians want the same level of services no matter in which province they live in, they believe in fairness. This opting-out clause contributes to regional inequalities. The meaning of "national objectives," "initiatives" and "compatible" need to be clarified. No standards to meet these national objectives are included in the Meech Lake Accord. Standards have been a key to success of national programs such as Medicare. Another alternative is to delete this provision from the Accord.

The Meech Lake Accord raises many questions for many Canadians. In conclusion, we object most strongly to an amendment being made after the Accord is ratified. We want them now. The breadth and scope of the constitutional changes in the Meech Lake Accord have greater potential practical impact on every Canadian than anybody can foresee at this point. This is why we are urging the Manitoba Government to proceed with caution and amendments before the Accord becomes entrenched in the Constitution.

Mr. Chairman: Thank you, Mrs. Greenshields. Mr. Doer will have the first question.

Mr. Doer: Thank you very much. Thank you for the presentation. In reading the brief I have noticed you haven't mentioned the "distinct society" clause and its effect potentially on other groups in Canada besides the non-derogation clause of the Charter. Do you have any recommendations in that area or any concerns? Does the Liberal Commission have any concerns in the Brandon-Souris area on the "distinct society" clause?

Mrs. Greenshields: Nothing that would help you in any way. We're just saying that Quebec used a certain part of the Constitution to correct their situation, but the notwithstanding clause could be exercised by any province in Canada. It just so happened to be that Quebec used it, but any other province could use it, so we're not saying that is anti-Quebec. It's just whatever person who happens to be the Premier or in command or the political Party could use it. Political Parties come and go and what we're saying is take heed now because the personalities can come and go, and what have we as a guarantee in the notwithstanding clause itself? How are we going to use it?

Mr. Doer: Just as a supplementary, there has been a lot of discussion of the notwithstanding clause lately and its relationship to the "distinct society" clause and some of the other areas. Has the Liberal Commission in this area discussed that issue, and do you want it to stay in the Constitution, or is it your recommendation to remove it? I know it's not in this round, but just in terms of where we're moving as a country and in terms of the vision of the Constitution.

Mrs. Greenshields: Well, I don't know what the political Party itself stands for, but the Women's Liberal Commission, I would say, would say remove the notwithstanding clause so that no province has that liberty. I don't know what the political—but I would say that the Women's Liberal Commission itself have discussed it and stated, destroy it. We don't need it.

Any other questions?

Mr. Chairman: Thank you.

Mrs. Greenshields: Thank you.

Mr. Chairman: Mr. Bill Davison is our next presenter. We have your written presentation, sir. You are appearing as a private citizen?

Mr. Bill Davison (Private Citizen): Yes, I am.

Mr. Chairman: Thank you.

* (1500)

Mr. Davison: Good afternoon, ladies and gentlemen, and I say ladies advisedly because I was under the impression there was more than one lady on the Task Force. I wish to congratulate you upon the nature of this non-partisan committee which has an all-Party form and thus can, I believe, be seen to be apolitical.

In regard to the Meech Lake Accord, I plan to talk about the parts of the proposal that have, in effect, had a negative influence upon parts of Canada outside Ontario and Quebec, particularly with regard to western Canada. I believe that the Meech Lake proposals, if adopted, will effectively prevent anything more than minimal Senate reform, in spite of what we have been advised by the federal Government of the Day, by political Parties at a federal level and by those provinces which at present strongly support the proposals.

The supporters, I'm sure you have heard, have stated that the provinces ought to agree to the proposal now and negotiate later. This approach of negotiating after the fact is not something that any union, employer or army would do unless, in the case of the army, it was totally defeated and had unconditionally surrendered. Negotiations after the fact or defeated conditions are not negotiations at all. It's an ultimatum. We must negotiate instead from a position of whatever strength we have.

Senate reform is a must, at least for us in the extreme East and extreme West, that is, outer Canada. I propose to say why it is important, even urgent. Western Canada and other provinces of outer Canada need strong, effective representation in Ottawa. Enough power and clout is necessary to make it essential that central Canada must listen. At present, there are sufficient Members from central Canada to dominate Parliament, particularly when the political tendency of the central provinces to vote en masse in one common direction so that great power can be realized. We might very well take a page from such a book.

The Triple E Senate could make the difference. It could help us gather strength and pull together our multicultural, multilingual and many-provenced section of our great Canada into a strong and steady union, able to exert significant power. In regard to a Triple E Senate, it is relatively easy to have an elected Senate. It is relatively easy to have equal numbers of senators from each province or territory. It is not easy to make the Senate effective. Nevertheless, and I had to add this, notwithstanding all resistance, it must be done in order that a fair portion of political power is available to outer Canada.

Many times there have been political and/or economic conflicts between central Canada and its outer fringes. With an effective Senate we would have more chance of being heard or being taken seriously and of being seen as having some political power, and there would be less chance of our being unabashedly exploited.

Examples of exploitation which come to mind are the National Energy Program where money was pumped from west to east; the CF-18 situation; the transfer of Trans Canada Airlines years ago, administration from Winnipeg to Montreal; the moving of Air Canada repair shops out of Winnipeg; and last on my list, the assumption that our grain bound for Europe and for Mediterranean ports must pass through Thunder Bay, the Seaway, and Montreal. Along that route, many hands are extended to receive what is seen as their historic and just tribute. Instead, there are two other options, both cheaper from the producer's point of view. The first is to use unit trains to tranship grain to ocean

ports and bypass the Seaway. The railways, believe it or not, maintain that this would cost \$40 a tonne less.

The other possibility is to ship more grain out of Churchill through the cheaper Hudson's Bay route. There are many arguments wrongly used against the Churchill route. This is because diverting of grain may cause economic harm to those whose hands reach out to garner profit from passing freight, or political harm to those who are elected from areas of population concentration that make profit from unloading, reloading, inspecting, taxing, weighing, piloting, regulating, licensing, and repairing of elevators, boats, trains and waterways. Ottawa pays some political lip service to the Hudson's Bay route while at the same time doing little to promote it.

An effective Senate with equal representation from the outer provinces would at least ensure that our interests were accurately and fervently represented in such things as the Hudson's Bay route. Urgent? Indeed. How many organizations have petitioned Ottawa through protest marches? Recently there have been several interest groups, as you may have observed through the media. Western people are at a great disadvantage because of distance and cost. They are largely barred from an activity which, in these days of TV, is closely watched by Governments and has proven effective for many.

At least a Senate with equal representation from each province would help to deliver the media or message. Marshall McLuhan claims that they are synonymous. It is unlikely, however, that Ontario and Quebec will willingly or with the quality of mercy agree to having relatively less power than they do now, or even to sharing this greater power in an elected Senate. The required changes can only be obtained if we are steadfast, if we do not buckle under the various economic and political threats which have been aimed and fired at the provinces. It is in everyone's interests to have a strong Canada. In order for Westerners to play our part in a strong Canada, we must be accepted as equal partners. We must show that we shall tolerate no longer being treated like bulky teenagers in a family with autocratic parents. We must show that we have grown up and are mature enough to take our place as equals around a democratic table. This will never be possible if population numbers is the only measure. The unalterable concept of rep by pop is a good one for a non-federated country of smaller size than Canada. It has weaknesses in a large and diverse country where it is used exclusively, and these shortcomings are evident in Canada.

For example, it is quite possible, it is even likely that a good representative could speak for 15,000 people while another representative could not speak for 1,500. This would be particularly true if the 1,500 were scattered and distant and the 15,000 were living in a small area and were easily accessible through town meetings and telephones. One must consider distance, size and remoteness. It is not enough to consider numbers alone when establishing electoral boundaries.

The recent Governments of Mr. Trudeau and Mr. Mulroney have promoted meetings of all provincial Premiers. Such a gathering was held at Meech Lake.

These meetings aided and promoted by the Prime Minister of the Day indicate a recognition by Ottawa of the problem of inadequate representation. But having one Premier to represent a province in meetings called on an ad hoc basis or upon invitation from the Prime Minister is the wrong way to solve it. It's not even democratic. An effective, elected Senate would be the answer.

Constitutions change radically and quickly in the heat and fire of a revolution and in the cauldron of social ferment. Our Constitution too must change but peacefully, and it must be allowed to continue to change. The amending formula which gives an effective veto to each province as proposed in the Accord is an effective way to prevent any amendments. We must build into our Constitution a means for evolution, improvement and amendment. Meech must be modified.

Let us then choose to elect senators on a regional basis, rather than from a strictly population basis. It is said that rural Manitoba would not benefit from a Triple E Senate because there would be a majority of senators representing the huge percentage of population in Winnipeg and its immediate area. Such a concern could be addressed by extending the concept of regional selection to and within the provinces with an equal number of senators from rural and urban in spite of differences in population.

* (1510)

Inadequate and powerless representation has harmed western Canada in the following ways. It has promoted conditions leading to a stagnating or declining population, resulting from scant opportunity to be anything but hewers of wood and tillers of the soil. It has allowed the continuation of a reduced, after inflation, real value of our major exportable crops. It has enabled through modern communication, supervision and taxation the obtaining of revenue from the provinces without there being significant representation.

I support groups and individuals who are opposing Meech Lake Accord on the grounds that it infringes upon the Charter of Rights and Freedoms in respect to women and minorities, and on the grounds that it makes the formation of new provinces in the Northwest Territories very difficult.

If we can maintain a significant power base in outer Canada, there will be a viable population whose rights can be protected. If we do not, there will be less and

less as time goes on for which people will remain and there will be fewer and fewer people in rural Canada. I believe that outer Canada must remain united and determined to succeed in constitutional reform.

If the Meech Lake proposal is abandoned because of our efforts or for any other reasons, we must not sink back into a state of accepting bliss, wherein we assume that Ottawa and central Canada will work and legislate in our best interests. We must not return to the past practice of having four divided weak western provinces, each with its own constitutional agenda and each province with at least three political Parties seeking power at the expense of a strong united voice. We must not allow Party politics and federal versus provincial bluster and bluff to deter us.

Mr. Mulroney, it is said, cannot lose politically. He will be seen to have tried to implement Meech but to have been thwarted by the narrow intransigence and political opportunism of the provinces. Mr. Bourassa, it is said, cannot lose politically. He too has tried, they will say. What more can one do? Whatever occurs, we who oppose the present Accord will be the scapegoats. Mr. Peterson, on the other hand, will continue to sit on the sidelines, basking in his unassailable position of the richest province to which we send and pay the freight of our produce and, more importantly, to which we send our most valuable resource, our children, our people, raised and educated throughout the province and compelled by economic pressure to emigrate from the hinterlands of outer Canada to the centres of action and commerce.

May we not protest? May we not insist upon real and effective representation? May we not refuse to continue as second-class citizens in our own country? I submit that we may. Let us seek effective representation through a new and better deal in Confederation.

Mr. Chairman: Thank you, Mr. Davison. Are there any questions? Thank again, sir.

Are there any more presenters this afternoon? Then ladies and gentlemen, this concludes our public hearing in Brandon. Thank you very much for your attendance, your obvious interest in the proceedings. I assure you and particularly assure the presenters that we will give very careful and sincere attention to your recommendations.

Good afternoon.

HEARING ADJOURNED AT: 3:15 p.m.

NUMBER

8

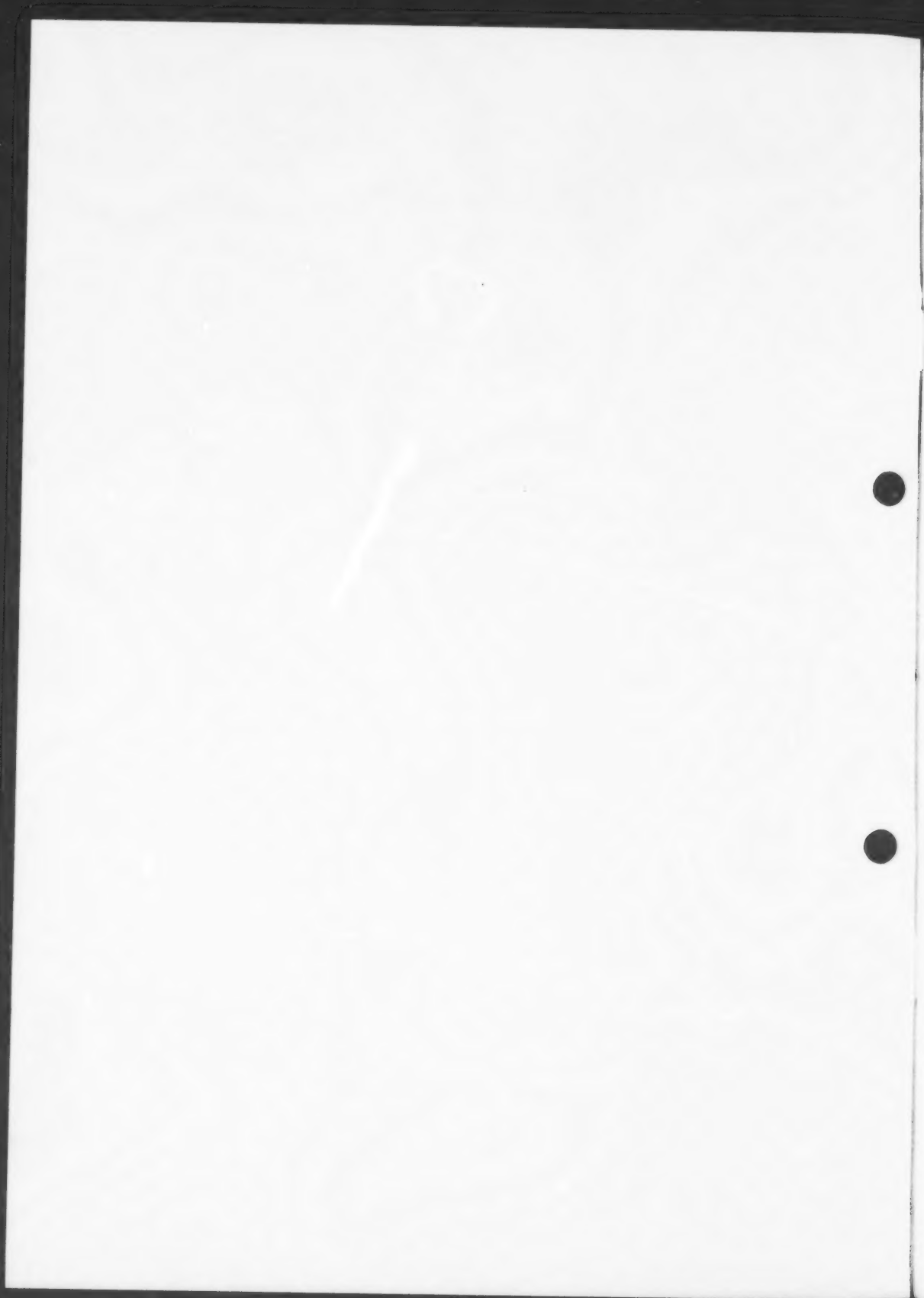


Manitoba Task Force on Meech Lake

April 26, 1989
Dauphin, Manitoba

No. 8

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Wednesday, April 26, 1989

TIME — 10 a.m.

LOCATION — Dauphin, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

- Mr. James Carr (Member for Fort Rouge)
- Mr. Gary Doer (Member for Concordia)
- Hon. James McCrae (Member for Brandon West)
- * Substituting for Mrs. Sharon Carstairs (Member for River Heights), Mr. Paul Edwards (Member for St. James)
- * Substituting for Mrs. Gerrie Hammond (Member for Kirkfield Park), Mr. Edward Helwer (Member for Gimli)
- * Substituting for Mr. Darren Praznik (Member for Lac du Bonnet), Mr. Harold Gilleshammer (Member for Minnedosa)

Support staff for the Manitoba Meech Lake Task Force:

- Mr. Binx Remnant, Secretary
- Ms. Kathy Brock, Research Director
- Mr. Vic Toews, Constitutional Advisor
- Ms. Anita Tiessen, Media Relations
- Ms. Bonnie Greschuk, Assistant Secretary
- Ms. Annette Landry, Administrative Secretary

Appearing:

10 a.m.

- Mr. Brian White, Member of Parliament for Dauphin-Swan River
- Mr. Morris Stefaniuk, Private Citizen
- Ms. Rae Tigg, Private Citizen
- Ms. Virginia Jamieson, Private Citizen
- Mr. Conrad Artibise, Private Citizen
- Ms. Tena Alguire, Private Citizen
- Ms. Frances Stewart, Private Citizen
- Mr. Jim Wynes, Private Citizen
- Mr. Stewart E. McLean, Private Citizen
- Ms. Trudi Gunia, Private Citizen
- Mrs. Joyce Harrison, Parkland Status of Women
- Mr. Doug MacIsaac, Town of Russell

2 p.m.

- Mrs. Alice Allen, Private Citizen
- Mr. Michael Sirtonski, Private Citizen
- Mr. Larry Catagas, West Region Tribal Council
- Ms. Glenda Richard, Private Citizen
- Mr. Alex Simpson, Private Citizen

Witness:

Mr. John Plohman, Member for Dauphin

Matters under consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: Good morning, ladies and gentlemen. Welcome to the public hearing of the Manitoba Task Force on Meech Lake in the beautiful Town of Dauphin. We are delighted to be here with you today.

* (1005)

Our purpose is to listen to what the people of Dauphin and surrounding area have to say to us on the subject of the Meech Lake Accord. We are most interested in your views and your opinions. When we have heard all the citizens of Manitoba who wish to come forward—and there are over 300 now who we have either heard or will hear by next week—this group, the Task Force, will be sitting together to try and reach a consensus on the Manitoba position on the vital subject of the Meech Lake Accord. We will then be reporting our situation and position as we see it to the Manitoba Government.

So we have some interesting days ahead, but we have an interesting day in front of us at this moment because we are most anxious to hear you as you tell us what you think about the Meech Lake Accord.

I'd now like to introduce the Members of the Task Force who are present today and I would ask them to rise please as I indicate their name. The first is the Honourable Jim McCrae, Attorney General of Manitoba and Member of the Legislature for Brandon West. The second is Mr. Gary Doer, the Leader of the New Democratic Party in Manitoba and Member of the Legislature for Concordia; the third, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and Member of the Legislature for Fort Rouge. The fourth is Mr. Harold Gilleshammer, the Conservative Member of the Legislature for Minnedosa. The fifth is Mr. Paul Edwards, the Liberal Member of the Legislature for St. James, and the sixth is Mr. Ed Helwer, the Conservative Member of the Legislature for Gimli.

I am also pleased to acknowledge the presence of Mr. John Plohman, the Member of the Legislature for Dauphin, your local Member. You're very welcome, John.

Ladies and gentlemen, the rules are simple. We have a 20-minute period for oral presentation. You don't need to take it all, but we are pleased to hear you for 20 minutes. There will be a bell ring after 15, which indicates that you have five minutes left, then a second bell which suggests that your time has elapsed. There will then be up to 10 minutes allowed for the Members of the Task Force to ask questions of the person who is presenting.

Our first presenter today is Mr. Brian White, your Member of Parliament.

* (1010)

Mr. Brian White (Member of Parliament for Dauphin-Swan River): Thank you, thank you very much, Mr. Chairman.

Mr. Chairman: Yes, good morning, sir. We have your written brief and we are ready to hear you.

Mr. White: Thank you very much, Mr. Chairman, I welcome the Task Force to Dauphin and I thank you, all of you, for the opportunity to appear before you today to express and explain my personal support for the Meech Lake Accord.

Gentlemen, rarely has a document generated such pride among its supporters and such disdain among its detractors. Today's hearing gives me the opportunity to convey to you and to the citizens of the Parklands what the Meech Lake Accord is and why I believe it means so much to us as Manitobans and as Canadians.

Canada's Constitution was patriated, or brought home, from Britain on April 17, 1982. The Constitution and our new Charter of Rights and Freedoms was accepted by all provinces but Quebec.

In August of 1986, all provincial Premiers agreed that the first constitutional priority for Canada was getting Quebec to sign the Constitution.

On June 3, 1987, all Premiers and the Prime Minister agreed on amendments to our Constitution that would bring about Quebec's full participation in Canada's constitutional evolution and lead Governments to begin a second round of discussions on further constitutional change. That, gentlemen and people listening, was the Meech Lake Accord.

It cannot come into force until approved by the Senate, the House of Commons and the Legislature of each province of Canada. To date, it's been approved by the House of Commons, by the Senate and by eight of the 10 provinces. Only Manitoba and New Brunswick have not given the Accord legislative approval.

Now to the Members of the Task Force, many Manitobans are automatically against the Meech Lake Accord because of a dislike for Quebec and all things French. Conversely, my own personal reflex reaction is, if Trudeau's against it, I'm for it. The reason I say that is because I believe that former Prime Minister Trudeau did great damage to Canadian unity, because of his elitist attitude to bilingualism and his total disdain for western Canada.

However, I know and you know that support or non-support for the Meech Lake Accord must be based on much more than simply emotion alone. It must be judged on its own merits and for what it really is, which is a constitutional Accord to amend the Constitution Act of 1982.

Manitobans are taking a great interest in these hearings because, I believe, they are truly interested

in hearing what the Accord is and what it really means to Manitobans.

Now I believe a country's Constitution should do two things. First it should unite the country, and secondly it should respect individual rights. The 1982 Constitution Act, in my opinion, did neither. Did it unite the country? No, it did not. Quebec did not sign and that means that fully one-quarter of Canada's population was not a signatory to the Constitution Act of 1982.

Did it respect individual rights? In my opinion, no, because the Charter of Rights and Freedoms contains Clause 33, the now infamous notwithstanding or override clause. This means that all of our rights and freedoms, as Manitobans, are guaranteed unless some present or future Premier or Prime Minister decides in his or her own self-interest that will not be the case. That is, provincial Legislatures and/or the federal Government can restrict or take away our freedom of conscience, our freedom of peaceful assembly, our freedom of association, freedom of religion, freedom of thought, opinion and expression, even freedom of the press.

As an example, and the most recent example of the use of that override clause of course was Premier Bourassa of Quebec recently using the clause to restrict freedom of expression in the Province of Quebec, whereas it's now illegal for a business to display an outside English sign. Such a law is contrary to our Charter of Rights and Freedoms but Premier Bourassa overrode that right by using Clause 33, and of course, it was this situation that prompted the Manitoba Government to withdraw the resolution on the Meech Lake Accord from the Legislature of Manitoba. Given the politics of language in Manitoba and the minority position of the Government, such an action was understandable, in my mind, at that time.

* (1015)

It is my belief, Members of the Task Force, that Canadians were better off without a Charter of Rights and Freedoms and its notwithstanding clause. We were far better off and much more certain of our rights with the old British North America Act. Let us not forget that the notwithstanding clause has nothing to do with the Meech Lake Accord. We're stuck with it, Meech Lake or no Meech Lake. It's part of our current Constitution.

I would now like to discuss for a few moments the clause in the Meech Lake Accord that I feel is the most irritating to Manitobans and at the same time the least understood. What I'm speaking of is Clause 2 of the Meech Lake Accord, the linguistic duality/"distinct society" clause. I think it's important to read just a few lines from the clause, in the interests of clarity.

It's Part A, headed Linguistic Duality—Distinct Society and it's in the interpretation part of the Meech Lake Accord. Section 2, Part 1 reads: "The Constitution of Canada shall be interpreted in a manner consistent with (a) the recognition that the existence of French-speaking Canadians centred in Quebec but also present elsewhere in Canada, and English-speaking Canadians centred outside Quebec but also present in Quebec,

constitutes a fundamental characteristic of Canada; and (b) the recognition that Quebec constitutes within Canada a distinct society."

Now, distinct means unlike or clearly perceptible. It does not mean special. It does not mean superior. My belief, and the belief of many persons more learned than I, is that this clause does little more than recognize an existing demographic and sociological fact. The Meech Lake Accord is based on the equality of all provinces and its elements apply equally to all provinces, not just Quebec.

The "distinct society" clause creates no new powers either for Quebec or for any other province. I think most of us would agree, as Manitobans, that Quebec is quite different from the rest of Canada, and the courts have been taking this into account for many years. If some Manitobans have arguments with language policy in Canada or are opposed to bilingualism itself, so be it. They should not mistakenly charge that the Meech Lake Accord either creates or worsens this situation. Opposition to it, based on language tensions in Manitoba, indicates an unfortunate misunderstanding of the Accord and what the "distinct society" clause means.

The Meech Lake amendments state explicitly that the powers of the federal and provincial Governments are not altered by the recognition of Quebec's distinct society and Canada's linguistic duality. I refer once again to the clause in question. It's Section 2(4). "Nothing in this section derogates or takes away from the powers, rights or privileges of Parliament or the Government of Canada, or the Legislatures or Governments of provinces, including any powers, rights or privileges relating to language."

I would now like to refer to an ad that appeared in a weekly newspaper in my constituency just a couple of weeks ago, and I quote, "I am a Canadian citizen and I vote. I do not support ratification of the 1987 constitutional amendments to the Meech Lake Accord because of its potential adverse affect on equality rights. I want the Meech Lake Accord amended to guarantee equality rights for all Canadians." Then there's space for the name, address and signature of the person signing the form. That person is then asked to send the card in to the Leader of the Opposition, Manitoba Legislature.

Well, gentlemen, such an ad is disturbing to me on two counts. First of all, it reduces important constitutional matters to the level of blatant partisan politics and, secondly, it's not true. Such a statement, in my opinion, shows a real lack of understanding of the Meech Lake Accord. A criticism such as this would be much better directed at our current Charter of Rights and Freedoms, which was passed by the federal Government back in 1982.

I presume the argument in that ad is based on Section 16 of the Meech Lake Accord, which is the non-derogation clause. That clause exempts multicultural groups and Native groups from Section 2. Now, Section 2 is the section I read just a few moments ago, the linguistic duality "distinct society" clause.

There is a valid question as to the usefulness of Clause 16. I personally feel it's redundant, but it in no way

excludes the rights of other groups, for example, women. The reason I say that—two key sections of the Charter remain in force with Meech Lake, should Meech Lake be approved. The first one, Section 15 which prohibits discrimination based on sex. Secondly, Section 28 would remain in force. Section 28 tells us that the rights and freedoms are guaranteed equally to male and female citizens in Canada. Those two clauses remain in effect even if Meech Lake should be approved.

Interpretation clauses, of which Clause 2 is such a clause, already require that the Charter of Rights and Freedoms be interpreted in light of Canada's multicultural and aboriginal rights without threatening anyone's else's rights. So, therein lies my argument that Clause 16 may be redundant.

Canada's foremost constitutional experts have concluded that the new interpretation clause, Clause 2 in the Meech Lake Accord, does not take away or override sexual equality rights which are among the strongest of the rights and freedoms guaranteed by the Charter.

I believe it is worth repeating that the Meech Lake Accord threatens no rights. The notwithstanding clause of our current Charter threatens many rights.

Members of the Task Force, one other issue that is very important to Manitobans is Senate reform. We are a small province by population and a reformed Senate is needed to ensure our concerns as Manitobans are heard.

* (1020)

With the Meech Lake Accord, the amending formula for changing our Constitution would change. That is, the general amending formula, the requirement that constitutional change requires two-thirds of the provinces representing at least 50 percent of the population, would be changed in some significant areas to require unanimous provincial support, and they are: the House of Commons, the Supreme Court, the extension of boundaries of existing provinces, the formation of new provinces; and the Senate.

Now some say that Meech Lake will make Senate reform virtually impossible. It is my opinion that they are dead wrong. In fact, Senate reform would have been impossible to achieve without Quebec's participation and consent since certain provisions of the 1867 Constitution Act, which apply only to Quebec, may have given it a veto, an outright veto, on any changes to the Senate. Even if Quebec had agreed to end its constitutional boycott—and they have boycotted any constitutional conferences since 1982, and it is very unlikely that is about to change without Meech Lake—under the former rule, Ontario and Quebec together could have blocked Senate reform. No other two provinces had such a veto.

Indeed, Senate reform under the current formula could have been imposed in Canada against the wishes of all three prairie provinces. The Meech Lake Accord, on the other hand, gives every province an equal say on this key issue on which we want a national consensus.

If we are going to have Senate reform, we have to have a national consensus. There cannot be winners and losers in a matter this important. In fact, gentlemen, because a reformed Senate should represent regional interests, any real change in the Senate's powers or representation should only be made with the approval of all provinces, not just Ontario and not just Quebec.

Also, the Meech Lake Accord guarantees that Senate reform will be on the agenda for First Ministers' Conferences until Manitoba and other provinces are satisfied. Additionally, Prime Minister Mulroney has promised that he would submit a proposal for Senate reform to such a conference.

To deal briefly with the extension of provincial boundaries and the establishment of new provinces requiring unanimous provincial support under the Meech Lake Accord, should not all provinces be satisfied before such changes are made? Under Meech Lake, Manitoba, which receives equalization payments from Ottawa, would not be faced with the prospect of constitutional changes being made that would seriously affect our funding without its approval.

In effect, the changes to the amending formula, which require unanimous provincial agreement, treat all provinces as equal, giving no veto power to one and not to the other. I, as a Manitoban, will accept nothing less than equality. The Meech Lake Accord, rather than threatening rights, as charged by the ad I spoke of earlier, guarantees Manitobans that equality. Theoretically, and this is very important to note, without the Accord every constitutional change made in the 1982 constitutional Accord could be made above Manitoba's objections. We could object, as Manitobans, to every change and it could go ahead anyway because we are not big enough. What could be a greater threat to our equality as Manitobans than something like that?

There are a few more myths about the Meech Lake Accord that must be addressed as well. Myth—Meech Lake threatens, or weakens rather, the federal Government. Well, on the contrary, in my opinion. For the first time the Constitution will recognize the right of the federal Government to launch programs in areas of exclusive provincial jurisdiction. However, at the same time, the amendment will require Ottawa to be sensitive to provincial differences when launching a new national shared-cost program.

The federal Government can set up a regime of broad principles for such a program, as we have with Medicare for example, under which the provinces are afforded a considerable degree of flexibility.

* (1025)

No major existing shared-cost program, not even Medicare, requires provinces to meet national standards. Medicare provides that each provincial program must respect certain principles, such as public administration, but it does not set standards or seek to regulate the administration of the program because that would be unconstitutional.

To argue that the Accord will deprive Ottawa of the ability to establish fairly uniform services in the

provinces is to defend a power that the federal Government has never had.

Another myth, Meech Lake disadvantages smaller provinces by guaranteeing Quebec a set share of immigrants. The so-called immigration guarantee to Quebec is not in the Meech Lake amendments. The Accord reflects a political commitment which is to be the basis of an agreement to be negotiated in future with Quebec.

No province is disadvantaged by this. Under the Meech Lake amendments, any province can ask for an immigration agreement and the federal Government must enter negotiations. But federal authority over admission, classes of immigrants and family reunification will be maintained.

Members of the Task Force, I support the Meech Lake Accord because I believe it is an important and vital first step to further constitutional change that Canadians desire now and will desire in the future.

To borrow an analogy from my colleague in the House of Commons, the Member of Parliament for Selkirk, when you are constructing a building, you do it one floor at a time. As Canada builds and improves its Constitution and Charter, the Meech Lake Accord is the first floor. It must be in place before further work can be done.

Quebec has boycotted constitutional conferences since 1982 because our Constitution was patriated without them, and that fact is very unlikely to change.

The Accord is not a perfect document, nor does it contain every constitutional amendment that Canadians seek, for example Native self-government, but it does set the stage for further constitutional change and conferences on this and other important matters.

I am not a constitutional lawyer. I am not even a lawyer. In fact, there is not a lawyer among the seven Government Members of Parliament we have in Manitoba. We are educators, businesspeople, health care professionals and farmers. But we, and I, do understand what Meech Lake says and what it means. I also know what it will mean if we as Manitobans reject the Accord and thus are responsible for its national demise. Important constitutional change will be set back years and maybe decades. We will be facing the future as a country badly divided and weakened.

The House of Commons has overwhelmingly approved the Accord, Liberals, New Democrats and Progressive Conservatives. The Legislatures of eight provinces have approved it, representing 93 percent of the population of Canada.

I am hoping that this Task Force can set aside partisan political concerns and in the interests of national unity, of cooperation, and of respect for our fellow Canadians, recommend to the Legislature of Manitoba that the Meech Lake Accord be passed without amendment.

Thank you very much.

Mr. Chairman: Thank you, Mr. White. Questions now from the Task Force. Mr. Doer.

Mr. Gary Doer (Member for Concordia): Yes, thank you very much and thank you, Mr. White. I was curious. You gave a particular meaning to the "distinct society" clause in your brief, yet that is very much at variation from the interpretation Mr. Bourassa has given to the "distinct society" clause. We have had three instances just recently, in fact, after the House of Commons had passed it, one dealing with Quebec having the right of international affairs under the "distinct society" clause according to Mr. Bourassa.

The second issue was his statement that he could have used the "distinct society" clause rather than the notwithstanding clause dealing with the minority language rights in Quebec. Recently we have just seen the Francophone games. I think we are going to have a Canadian flag and a Quebec flag at the games rather than Manitoba's flag. It is just going to be the Canadian flag. I think this is causing a lot of concern with Manitobans. Are you saying that the "distinct society" clause does not have any unique meaning at all for Quebec in terms of what Mr. Bourassa is saying to us?

* (1030)

Mr. White: You are right in what you say, Mr. Doer. That clause is of concern to Manitoba because there was much play in the press on the fact that Mr. Bourassa said that had he not used the notwithstanding clause, he would have had, under Meech Lake, the "distinct society" clause. It is important to note that, subsequent to that, Mr. Bourassa denies having said that. My submission is that power does not exist with the "distinct society" clause.

There have been three examples of the notwithstanding clause being used since 1982 in ways that the drafters of the Constitution did not foresee. One was the fact that Quebec used it in every piece of legislation from 1982 to 1985, as a matter of course; secondly, Saskatchewan used it about a year, or a year and a-half ago, and there is a third case where a province wrote legislation that was in accordance with a court decision and put in the notwithstanding clause anyway, just to make sure there was no further litigation. Now those are three cases where it was not thought that it would be used in such a way, and Premier Bourassa used it in a way that you and I agree was not the right thing to do. I disagree very much with the fact that he used it.

What I am trying to do is to divorce the two issues, the notwithstanding clause and its use which I deplore; on the other hand, the "distinct society" clause, which I feel would give Mr. Bourassa no more power than he would have without the notwithstanding clause.

Mr. Doer: You do acknowledge he did state that he could have used the "distinct society" clause and then denied—at a later date, he changed his mind on that one. He hasn't yet rescinded his position on Quebec's rights under the "distinct society" clause to conduct international affairs, as opposed to the country of Canada. I haven't heard him change his mind on that. What's your opinion of Quebec interpreting that clause to have the right of international affairs?

Mr. White: I don't share that belief and neither do many of the constitutional experts in Canada. There are many constitutional experts who also say that Premier Bourassa would not have been able to use a "distinct society" clause the way he used the notwithstanding clause.

What I've found in my study of the Meech Lake Accord is that if you sit down five lawyers you'll come up with six different opinions. So it's become a matter of interpretation. As a legislator, you know this as well as I. If we waited to come up with perfect legislation, there would never be a law written in Canada, and especially if you have lawyers poring over these things because you come up with different opinions. I know there are opinions of lawyers that agree with your side of it. There are also several that agree with the way I interpret it, and I am very comfortable with the way I have expressed the opinion today.

Mr. Chairman: I will come back to you, sir, if I may. Mr. Carr is next.

Mr. James Carr (Member for Fort Rouge): I thank you very much for your presentation. I believe there are a number of inaccuracies within it though, and we probably should keep the record straight.

The first is, as you know, the Senate did not approve the Meech Lake Accord in its current form, and that's why Members of the House of Commons had to pass it a second time, after 180 days had passed. Secondly, you say that Section 33 of the notwithstanding clause endangers all of our rights. That's not so. It's only a certain portion of rights under the Charter. Thirdly, you said seven out of 10 provinces would be enough to approve all aspects of the Meech Lake Accord. That's not so because it requires unanimous consent under the 1982 Constitution to change the amending formula. So I think it's important when we have a discussion of this importance that we keep the record straight.

Over the last week or so, we've heard from dozens of Manitobans, and by the time we're finished we'll hear from over 300. The overwhelming majority of them think the Meech Lake Accord ought not to be signed by the Manitoba Legislature in its current form. Our responsibility, as legislators in this province, is to respond to the will of the people. Why is it not possible for us in the 15 months which remain to improve the Accord, so that Manitobans can express their view of themselves and of Canada?

Mr. White: Thank you, Mr. Carr. First of all, you're right, the Senate did send it back a second time. It was approved twice by the House of Commons, right, and ultimately approved by the Senate, hesitatingly and maybe against their wishes, but it was passed by the Senate ultimately.

Secondly, you say that I said all rights are threatened. I believe the term I used was many rights, because there are rights, the rights of mobility, for example, that would be guaranteed, even under Meech Lake. There are other rights I didn't mention that would be subject in the notwithstanding clause. The right to—and I can't just put my hand on the list—but I can give you one

example. Right now we have a right not to be arrested without cause. That right would be lost as well. Many, many important rights, freedom of religion is another one, freedom of expression, freedom of peaceful assembly is another that's a threat, many are, not all, but many of our rights. If we took away those rights, in my opinion, we are talking about almost all of our rights.

The third point—I think you must have misinterpreted what I said about the seven-tenths rule. What I was saying was that the Meech Lake Accord changes the amending formula to require unanimity in more cases than exist presently. Currently, if you noticed in the first part of my presentation, I said that the Meech Lake has to be approved by all provinces and there are two left to approve it.

Lastly, I realize that this Task Force is receiving an overwhelming number of people opposed to the Meech Lake Accord. I would be a lot more popular as a politician if I stood up here in front of you and said the same thing. My belief is that it is much more to be a legislator than to bow to overwhelming public opinion. We have to be leaders. I'm doing this because I believe it's the right thing to do and, if there are 99 people who are opposed to me today and I'm the only one, that won't change my mind in thinking that I'm doing the right thing and I'm right in supporting the Meech Lake Accord.

Mr. Harold Gilleshammer (Member for Minnedosa): I'd like to thank you for your brief too, Mr. White. You, in part of it, discussed Senate reform. We've heard a lot in western Canada about a Triple E Senate and I think the understandable part of that is an equal and elected Senate. I wonder if you could elaborate on how the Senate would be more effective, or could be more effective, and what sort of sharing of powers you would see between the Senate and the House of Commons.

Mr. White: Thank you. The point I was trying to make was to counter the argument that somehow Senate reform would be impossible should Meech Lake come about. Senate reform is going to be difficult under our current Constitution or with Meech Lake. It's going to be difficult either way but what I'm saying is that, given two points, first of all in the Act of 1867 Quebec was given certain legal powers. That has been interpreted to mean they may have an outright veto by themselves on any constitutional change as far as the Senate is concerned.

Secondly, because they have been boycotting constitutional conferences, Ontario has virtual veto of any Senate change. The most important point that I make as someone from Manitoba is that seven out of 10 provinces could agree without Meech Lake to change the Senate above and beyond the protests of Manitoba, Saskatchewan and Alberta, and because Senate reform should represent the regions, we have to come to a consensus before the Senate is changed.

It's not going to be easy, even with Meech Lake. Should the Meech Lake Accord be passed in Canada, it doesn't mean that we're automatically going to have Senate reform. I believe, as you do, in a Triple E Senate.

I was a member of that group in the last Parliament. I joined the group that was centred in Alberta because I believe in an equal, elected and effective Senate, as do you. It is my belief that with our current Constitution and the amending formula as it exists today, Senate reform is virtually impossible today. It is my belief it will be easier, though not easy, with Meech Lake in place.

Mr. Chairman: But with respect, sir, I think Mr. Gilleshammer's trying to get from you what you mean by effective Senate. I guess the issue is, do you think the Senate should have essentially equal power to the House of Commons or would you give it just a suspensive veto, say six months' delay over House of Commons will.

Mr. White: I believe it should be an equal Senate with equal representation from each province and if such a Senate is elected it should be given far-ranging and sweeping powers, I believe. Now, I know that would mean a real change in the way Government exists in Canada; it would be a real change. We'd be moving more towards the type of system they have in the United States. I realize that, but I believe that as a Manitoban it would mean our voice would be heard much more clearly than it is now. If there were equal representation, there would have to be much more regional sensitivity when legislation federally is drafted.

So I believe personally that if we had a Senate, just to throw out a figure, with five senators from each province regardless of size, if they were elected alternately from the House of Commons, for example, every six years and effective, it should have more powers than simply just a six-month hoist on certain legislation. That would be a radical change, I realize that, but I feel that's the type of change we need. We don't want cosmetic change. We want real change if we are going to change the Senate.

* (1040)

Mr. Chairman: Would you not be concerned about responsible Government, and to which House the Government then becomes responsible?

Mr. White: Exactly, that's exactly what I am saying. When we talk about the Triple E Senate, we're talking more than just a change to the Senate. We would be talking about a tremendous change in the House of Commons. It would not have the power it had, simply because the Senate would have so much more power. It would change the way provincial muscle is flexed in this country as well. So, when we talk Triple E Senate, we're talking much more than the Senate. I don't begin to say that I have all the answers. What I'm saying is written into the Meech Lake Accord are constitutional conferences on Senate reform, and that kind of problem can be worked out. With Meech Lake, we could at least be assured that it would be done with Manitoba's approval or it wouldn't be done at all.

Mr. Paul Edwards (Member for St. James): Mr. Chairman, Mr. White, thank you very much for your

presentation. I want to start by just picking up on the comment in your brief here that many Manitobans are automatically against the Meech Lake Accord because of a dislike of Quebec and all things French. I want to assure you that in my brief experience on this committee that number is very small. I wouldn't want to make a generalization too lightly about the numbers that statement includes.

With respect to your comments about the "distinct society" clause, as you know—and this was not recited in your presentation—as you go through Clause 2, and in particular sub (2) and sub (3), there is a distinction in the wording. One is preserve and promote and the other is simply preserve the fundamental characteristic of Canada. With specific reference to Francophones in all provinces, but I guess in particular Manitoba and New Brunswick, do you see that distinction and wording as meeting your criteria of uniting the country?

Mr. White: Thank you, Mr. Edwards. First of all, the reason I added the comment that a lot of people are automatically against the Accord because of a dislike for Quebec, I don't think that's really too inaccurate. We are very sensitive in Manitoba with the politics of language in our province, and the very fact that the Meech Lake Accord being a constitutional legal document is probably not as well understood by Manitobans as it should be. If the people appearing before this committee have not been displaying the type of action I was afraid of, I am glad to hear that because I wanted these hearings to be above that, and I am very glad to hear from you, Mr. Edwards.

The second point about the "distinct society" clause, I just want to emphasize as well that clause gives no new powers to the province or to any province. There is no clause in the Meech Lake Accord that transfers powers or extends powers to any province. If you check back in the way the law has been interpreted since 1982 in the Province of Quebec, it has been interpreted that way since 1982. Laws have been interpreted in such a way. There are legal opinions that state they we're simply entrenching what has been happening since 1982. There are opinions on the other side, granted, but I think you should as well be aware of what's been happening in the legal community since 1982.

Mr. Edwards: By way of supplementary, I want to go into another issue, page 8 of your brief, you talk about Clause 16. At the bottom of that page, you quote. It says, "Canada's foremost constitutional experts feel there there will be no effect on the other rights that are protected in the Charter, but aren't specifically mentioned in the Meech Lake Accord, and in particular in Clause 16. You make the comment that you think it may be redundant. In the event that your legal conclusion is wrong and the specifics, this isolating of certain rights and exempting them without including all rights, and including an absolute Charter override in the event you're wrong, would you support the exclusion of Clause 16 altogether? I'm going from your comment you think it may be redundant anyway.

Mr. White: We should make one very important distinction here. Clause 16 is a non-derogation clause

pertaining only to Section 2, the linguistic duality "distinct society" clause and the non-derogation clause according to that one. It does not pertain to other rights, for example, Section 15 and Section 28, that both prohibit discrimination based on sex. So it only pertains to Section 2 and the "distinct society" clause.

Mr. Chairman: Thank you very much, Mr. White. Our time is gone—plus. Thank you.

Mr. White: Thank you very much.

Mr. Chairman: Our next presenter is Mr. Morris Stefaniuk. Good morning, sir, you're appearing as a private citizen?

Mr. Morris Stefaniuk (Private Citizen): Private, scared—cancel "scared" and put "terrified" Canadian in there.

Mr. Chairman: Please proceed.

Mr. Stefaniuk: Meech Lake, I feel, is a disaster waiting to happen. On the earthquake Richter scale, I would classify it as an 8.0, which can cause outstanding harm. I based the above statements on the following points.

When a country like Canada brings home a Constitution, it does so on behalf of all provinces, of all the people, not just for nine provinces. Quebec has seldom done anything without demanding a terrible price. Some have even said in the newspapers that Quebec has used blackmail to continually press the rest of Canada for more concessions. The Constitution was brought here, it's now law, and that's the way it should be.

Second point, Meech Lake does not make Canada strong whether it's going to give away rights, immigration rights, veto rights and even choosing of a Senate. These concessions encourage a province like Quebec to act like a little country, to demand more and more. A country can't remain strong by giving provinces more and more rights.

Third point, Meech Lake states that Quebec is a distinct society. What is so distinct about a province that doesn't allow signs to be in English? Can you imagine the uproar if Manitoba passed a law denying Italians, Germans or Ukrainians the right to put up signs in their language? We, in the rest of Canada, are not so fearful, so immature, so insensitive that we would lower ourselves to deny the many minorities the right to use their languages. Then Quebec wants to play around with this ridiculous outside/inside business. Perhaps we in Manitoba should do the same.

We hear Quebec politicians say, oh sure, Meech Lake is flawed and full of holes. They also say, pass it first and then they'll consider fixing it. Did any of you, or anybody in the audience, ever buy a car whose motor was seized, the transmission was shot, the tire is flat, from a man who said, buy it first and then I'll consider fixing it? Can anyone really believe that's going to happen?

Meech Lake is a disaster because no one else but 10 Premiers and one Prime Minister had a say in it.

The people of Canada did not give the politicians any such mandate to force Meech Lake on our country.

* (1050)

To conclude, it makes me sad to see people treating Canada as if our country is there to satisfy their slightest whim. Meech Lake, to me, says that a minority has used threats of separation to obtain more and more at the expense of the rest of the country.

Pass Meech Lake and I feel Canada will become weaker and perhaps even disintegrate; pass Meech Lake and that will tell me that all the political Parties are more interested in gathering votes than making our country a place for people of all nationalities.

That concludes and I am sorry I don't have copies for you, but I intend to keep my copy and pass it on to my grandchildren.

Mr. Chairman: Well, you spoke very clearly, sir, so we heard every word you said. Thank you. Are there any questions? Thank you very much.

The next presenter is Ms. Rae Tigg. Good morning Ms. Tigg, you are appearing as a private citizen?

Ms. Frances Stewart (Private Citizen): Actually I am not Ms. Tigg, I am speaking on her behalf because she has had the misfortune—she is actually here but has just come from the dentist.

Mr. Chairman: We all have sympathy with that. Would you give me your name, please?

Ms. Stewart: I am Frances Stewart.

Mr. Chairman: Frances Stewart, thank you. Is that S-t-e-w-a-r-t?

Ms. Stewart: That's correct.

Mr. Chairman: Thank you. Please proceed.

Ms. Stewart: Dear Members of the Meech Lake Task Force, as a woman and citizen I view the Meech Lake Accord with apprehension and concern.

As an amendment to the Constitution, the Accord must protect the rights and freedoms which were guaranteed in the Charter of Rights.

Many women in the past have worked diligently to make our country a place where there is equality for all. Women's economic security is at risk in the Meech Lake Accord as it is now written.

I support the decision not to pass the Meech Lake Accord, as written, and request this Task Force endorse the stand this Government has taken.

Mr. Chairman: Thank you. Are there any question? Thank you very much Ms. Stewart and also to Ms Tigg. You say she is in the audience.

Ms. Stewart: Yes.

Mr. Chairman: Would she like to just stand and be acknowledged?

Good morning. Thank you.

Our next presenter, Ms. Virginia Jamieson. Good morning Ms. Jamieson.

Ms. Virginia Jamieson (Private Citizen): Good morning.

Mr. Chairman: Please proceed.

Ms. Jamieson: Thank you. Mr. Chairman, Members of the Task Force, I am Virginia Jamieson. I live in Dauphin, I am an active member of the community and I just want to say that I appreciate the opportunity of being able to participate in this Meech Lake process.

In the course of preparing my presentation, I was doing some reading and came across a definition for constitution. That definition was given as "all the important rules, from whatever their source, which establish, empower and regulate the principal institutions of Government." This constitutional reading, I might say, was more interesting than I anticipated and gave me a different perspective on the Constitution.

Like many people probably, the Constitution has been a document that I have been aware of and it has always been there. Although it certainly has been highly visible in the last 10 years, I really hadn't given it a great deal of thought. The Constitution, perhaps for me, had been summed up more as a series of recollections: first of all, the interest and the excitement in varying degrees around the patriation process of the BNA Act and the signing of the Canada Act in 1982; then three years later, the celebration when Section 15 which guaranteed equality rights came into force; and now of course for the past year the hot debate which has circulated around the Meech Lake Accord.

Like many Canadians, I have listened to the debate. I have discussed it and I have done some reading. I'm no expert, but I am interested in those basic important rules by which the country is run, and I question the effect of some of the sections of the Accord on those rules.

I have two concerns that I wish to bring today about the Accord but first I'd like to comment on the process by which the Accord was agreed upon. It disturbs me that 11 First Ministers could expect to make changes to the Constitution on what appears to be such a short space of time, as though they're doing a labour contract negotiation. A labour contract, as we all know, can be renegotiated in two or three or four years, but this is not so with constitutional documents.

As we are well aware in this country—and particularly in Manitoba, we're aware of this fact—due to our electoral process, Governments are not always representative of the majority. A Government may govern by virtue of having received the most votes but not necessarily having received the support of most of its citizens.

Therefore it distresses me that those 11 men who may or may not have represented the majority of their

citizens are so intransigent around the Meech Lake Accord and the changes to such a fundamental document as our Constitution. I'm particularly distressed at this intransigence in view of the immediate reaction to the Accord and the apparently growing concern about those proposed changes and their long-term effects on our country.

With regard to the contents of the Accord, my first concern that I put today is with Section 7 of the Accord which deals with the provincial opting out of cost-shared programs.

Some important social programs which Canadians have come to rely on and to expect have been federally initiated national programs, and I give as examples unemployment insurance, Medicare, old age pensions. It's quite possible that we would not have those programs today if provinces could have opted out, and in fact provinces went to court to try and prevent the implementation of unemployment insurance and of Medicare.

With national programs comes national standards, and I share concern with those who fear the end of national standards that may come with this opting-out clause. For example, Manitoba has a much-envied child care system and some provinces in the country have little regulated child care.

We all have an expectation of a national child care program which we—at least, we certainly have been led to expect that. Maybe Thursday will change that. However, with no uniform standards, we could lose what we in Manitoba have as the federal Government sought a common ground that the opting-out provinces could accept. I feel our country is already diverse in so many ways that we need a strong central voice for such national programs and the quality that Canadians have come to rely on.

* (1100)

My second concern with the Accord and most important to me as a woman in this country is with Section 16, the specific guarantee for aboriginal and multicultural heritage rights. It is this clause which is referred to when critics speak of a hierarchy of rights which the Accord appears to be setting up. There is a legal term that is expressed here, *expressio unius est exclusio alterius*, which means that if you expressly mention one or two items on a list, then the implication is that it was your intention to exclude all of the others on the list.

Since the Accord specifically mentions aboriginal and multicultural rights, it may be assumed that it was intended to relegate all other rights to second or third place. We may assume that the courts will so rule. Not only women's rights stand to be affected but also rights for the disabled, for the elderly, and for other groups presently protected by Section 15 of the Charter. There is no reason why such rights need to be in conflict with aboriginal and multicultural rights. Our legislators, including the Prime Minister, have insisted that such was not their intention. However, the way in which the Accord is presently drafted sets up an artificial conflict which is unnecessary by specifically supporting some groups, but not all groups referred to in the Accord.

The manner in which the Meech Lake Accord has been drafted with respect to equality rights has already become the subject of fierce debate in the legal community. We can be sure, therefore, that it will be tested in the courts if it is ratified in its present form. Surely it is much the wiser course to have the flaw corrected now and have some certainty, rather than to submit the Accord to the courts where the result is far from certain and it may risk the rights of the Charter.

I feel the Meech Lake Accord is a dangerous document for equality rights as it is presently drafted. Yet all that is required to set it right is a simple preamble or amendment to the effect that nothing in the Accord shall take precedence over the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms.

I urge you, as Members of this Task Force and advisors to our Government, to recommend changes to the Meech Lake Accord before its ratification in Manitoba. Otherwise, I fear the ramifications of these proposed changes on the important rules by which we live in this country. Thank you.

Mr. Chairman: Thank you. Questions? Mr. Doer.

Mr. Doer: Thank you very much for the brief, Ms. Jamieson, two questions, if I may. No. 1, you mentioned your major concerns on the opting-out provision of future national programs. Is it your recommendation to our committee that we delete that clause entirely or we amend it to put in some provisions for minimum standards and other provisions that you think would safeguard future national programs?

Ms. Jamieson: I guess my feeling would be that there should be provision for minimum standards, but that those standards would not be the lowest common denominator. For example, as I use the example of Manitoba child care—the criteria and Manitoba standards—in order to carry on with whatever funding might be available, that those criteria would not have to drop to meet the standards that those provinces who may not be keen on such a program would have, so that would sort of level out rather than drop to the lowest.

Mr. Doer: We have heard the argument, and it has taken place right across Canada about the Charter of Rights and whether it is affected or not affected. Do you see one logical reason for us not to amend the Meech Lake Accord to make it perfectly clear that it is not affected, and to improve it over the next 15 months? Have you heard any argument from anybody why we can't change it over the next period of time that would satisfy you?

Ms. Jamieson: Well other than, as I said, the intransigence of the signatories to the Accord, my feeling is as a citizen that it would be much the simpler route, and it would not significantly change the contents of the Accord or the meaning of the Accord to, as I said, put a preamble to say that the Accord does not take precedence over the Charter of Rights. Not being a constitutional expert, I don't see any reason for it

and it seems such a simple thing to me. We can't understand why it would be so difficult.

Mr. Chairman: Thank you very much. The next presenter, Mr. Conrad Artibise. Good morning, sir.

Mr. Conrad Artibise (Private Citizen): Good morning.

Mr. Chairman: You're appearing as a private citizen?

Mr. Artibise: Yes sir.

Mr. Chairman: Thank you.

Mr. Artibise: I have one copy, I was going to make more.

Mr. Chairman: If we may, we'll take it from you now and get it in sufficient numbers.

Mr. Artibise: Members of the Task Force, I sit here wondering why I'm sitting here sometimes—no, in fact in wonderment that the Meech Lake Accord hearings are even taking place in Manitoba or taking place any place else in Canada when we have been told no matter what is said the Meech Lake Accord cannot—I repeat cannot—change one scintilla or the Accord will be null and void.

I exalt in the wonderment even when that has been said by the architects of the Accord, our provincial Government would create, even though I believe for the incorrect reasons, a series of hearings across the length and breadth of the province to listen to, and I hope, act on the Meech Lake Accord in the best interests of all Canadians.

I say it is a wonderful thing to live in a democracy that allows for second sober thought, a democracy that allows ordinary citizens to speak, to express their opinions, and more importantly their feelings about what could be, in my opinion, the destruction of a Canada of the future. Canada is a very unique country. It is unique because of its size, but consisting of a small population concentrated in three or four major population centres, plus a smattering of the rest of us spread from east to west and north to south. To make it even more unique, Canadians have recognized or most Canadians have recognized intellectually, though not all the time emotionally, that we have two separate founders of different national language origin, who have the birthright to have their birth language recognized across Canada's length and breadth, especially by federally controlled institutions.

The Meech Lake Accord, according to its framers, attempts to solidify the notion we must recognize the two founding nations birthright, but I firmly believe that the 11 men who closeted themselves in a room for hours, never divulging the essence of their conversations or pacts between each other but tell us it is etched in diamond, threw out my birthright with the dishwasher. I hope our present political leadership in Manitoba will have the moral courage to rescue the birthright of each and every Canadian citizen before Canada is flushed away.

I say my vision of Canada is one of a democracy whose principles are so strong it goes the extra mile to protect minority rights, be they social or economic. The greatest democracies in the world are those who spend their best efforts protecting the rights of minorities because majorities will always have power. For the most part, in my opinion, until April 30, 1987, Canada did just that, to be specific.

I question why do we need a "distinct society" clause in the Canada of today. I believe everyone, every region, every province, every territory is distinct and should be recognized as such in a democracy such as Canada's. Therefore, by what logic does it follow we should call Quebec distinct? A question, why does Quebec or for that matter any other province need a "distinct society" clause, when in 1982 and, I might add, at the insistence of the then-Premier of Manitoba, to include the notwithstanding clause and it was inserted into the Constitution? Interestingly enough, the notwithstanding clause was used first, not by Quebec, but by two western provinces to do the very same thing that the Province of Quebec is accused of doing and did do, putting down a minority language right for the sake of the majority.

* (1110)

Isn't it ironic that the very same Quebec Premier, who insisted in order for his province to become a full partner in Canada, should use a clause from the very same Constitution he claims Quebec is not part of, unless we accept the Meech Lake Accord holus-bolus? I say, with that act alone, the Government of Quebec destroyed the credibility in claiming the Accord is the only door to let them in.

Do the other proponents of Meech Lake really believe the ordinary citizen of Canada buys that argument? The supporters must, but I say hogwash. While the "distinct society" clause is a concern because there is no need for it, in my opinion, my real fear, if the Meech Lake Accord is ratified, are the clauses concerning opting out, the veto power of each province, the nomination of senators and judges. The control over immigration will turn this country into a collection of barons—we call them Premiers—and a king—we call him a Prime Minister—who will in essence be all pomp and circumstance. As one commentator I recall stated, "Meech Lake balkanizes Canada."

Canada started out that way. That's the way the original Constitution was written, except for one clause which gave the central Government an emergency override clause. Our forefathers recognized very early the constitutional weaknesses. Especially the central Government could not make fiscal decisions for the benefit of all Canadians. Therefore, through a series of federal-provincial conferences, legislation and programs evolved right up until April 30, 1987, whereby the federal Government can through taxation and transfer payments ensure that every Canadian has equal opportunity to progress intellectually and economically as far as he or she desires.

Canada's original Constitution, when it came to sharing between provinces, was based on Darwin's

theory that the fittest should survive. Luckily for Canada, today our forefathers changed that and developed a social contract where the economically powerful regions of Canada would share their wealth, their expertise with the less strong. That contract took 120 years to evolve; 11 men took 12 hours, in my opinion, to destroy it.

Why? The opting-out clause specifically will make it impossible for new national equalization programs to be developed but also make it easier for the present one to be eroded so in time they will become valueless to the economically and regionally disadvantaged. I cannot for the life of me conceive why our previous Premier would even agree to a clause such as that. Manitoba, after all, is a province which has benefitted a great deal from nationally developed programs which must be delivered equally across this country.

It is my understanding that the proponents of Meech Lake say the Triple E Senate will ensure the might is right will not prevail because the Senate will be, as they say, equal, elected and therefore effective.

I may be missing the point for I say the Senate, as it is now or may be, if equal and elected, can never be effective. I will get to that point in a moment, but I would like to note that if the Meech Lake Accord becomes part of the Canadian Constitution, the Triple E Senate will never happen.

Why? Can you fathom Quebec and/or Ontario giving up, for example, 18 seats so that each province can have six? Can you fathom a Senate with each province each having 24 seats? How cumbersome. Can you imagine an elected Senate with fiscal powers equal to the House of Commons?

How are the disputes between the Houses going to be resolved? What will happen to the most fundamental principle of an elected democracy, representation by population? Interesting questions, aren't they? They are for me.

The proponents of the Triple E Senate keep shouting from the rooftops that those changes would create an effective Senate, especially in protecting provincial rights. That may be the case in the United States but not here, unless we really change and as has been alluded to earlier establish a republican form of Government and separate our executive from our bicameral legislative Houses.

One good thing I can say about Meech Lake is that in its perverse way does recognize Canada has a Triple E body, the First Ministers' Conferences, the federal-provincial conferences, often called First Ministers' Conferences, that have been held in the past for various reasons and, to my way of thinking, sometimes very successfully. The Accord wants to establish biannual First Ministers' Conferences. I pose the question for your consideration. Wouldn't this group meet the criteria of Triple E because each of the First Ministers, the Premiers and the Prime Minister, are elected by their particular constituency? Are they not equal by tradition in the fact that they each have been called First Ministers and they do represent their constituency? So by all logic, should they not be effective? Have they not been

effective, I ask, and I pose? Of course, First Ministers' Conferences must be public, not secret, as the Meech Lake Accord meetings were.

Notwithstanding what I have said about one small section of the Accord, I believe in my whole heart and my whole mind that if Meech Lake becomes part of our Constitution, it will be more disastrous than if we don't ratify it. I do not believe there should be an attempt at a parallel Accord. That also would be disastrous.

The Meech Lake Accord will play havoc now to the social contract Canada has developed and will destroy any possibility of Canada existing very far into the future.

The Accord destroys, in my opinion, the vision I have of Canada, a Canada with a strong central Government that has fiscal ability if we elect people who will ensure that every Canadian will have equal opportunity to achieve his or her highest aspirations, a central Government which can make the economically strong care and recognize the need to share with the less economically strong regions. I also believe that each province, in concert with the others, can put a check on the central Government if it begins to break that social contract.

I am the first to admit that the Constitution we now have is not perfect. I am the first to admit that it is necessary for Quebec to officially accept its place in our nation, but I cannot have Quebec accept its full and public partnership when the agreement it signs will destroy something that has taken over 120 years to create. No, it is better to destroy what only took 12 hours of secret meetings and start from scratch again.

It is ironic, I just got two papers yesterday. In one of them the headline is: "Wilson goes solo on sales tax and he says it won't be coming in until 1991," nearly two years from now, and that is going to be, in my opinion, a very major discussion and I am sure he is going to allow an awful lot of discussion. The Premiers will meet with him and discuss and work through this whole process. This headline was in the financial paper yesterday: "Euphoria has faded after just two years." That is a whole reverse process and I want to add to the previous speaker's comment on the process. Eleven men got together, wrote a document and said, that's it guys, you can talk about it but you aren't going to change it.

I was talking to a real good friend of mine the other day and I said, what do you want to do with Meech Lake? He went like this—I think he really meant it and I think it was because he felt the process wasn't fair to all of us, it wasn't talked about, it wasn't understood by us, it was just said, these 11 men with all their wisdom, this is the best plan for you guys. It is like my parents telling me when I was 16, this is the best plan for you too, and you know what happened there.

People of good will, I really believe, can always find a solution. I really appreciate, gentlemen, this opportunity to express my opinion and feelings about the Meech Lake Accord, but I still wonder whether or not the exercise that I just went through is futile because we have been told the Accord is unchangeable. I hope that doesn't happen. But I do not wonder at the good

will and the foresight of our leaders of the past 120 years, and I firmly believe our present political leaders will show determination and they will show leadership so our children and our grandchildren can honestly look in wonderment on this period of time in Canada's history and say: "They really did build a nation better than they knew they had when they were alive." I thank you for your patience.

Mr. Chairman: Thank you, sir. Questions? Mr. McCrae.

Hon. James McCrae (Member for Brandon West): Thank you very much, Mr. Artibise, for your presentation and the sentiments coming near the end, sentiments I am sure everybody can identify with and agree with.

I don't know if I missed it or whether it was clear, but when you talked about the Triple E Senate idea, concept, did you actually put forward some suggestions of yours as to how we might deal with Senate reform in the future, assuming that it was within our power and assuming it was possible. Have you any thoughts about the effective part? I don't know that I was able to pick up everything you said about the effective part of it.

Mr. Artibise: I probably didn't discuss it all that clearly, Mr. McCrae, and thank you for your comment. I really feel that we have the institution and that is our Premiers and the Prime Minister, and they have been a very effective body in many ways. I believe really that the Senate as it is now constituted can be effective, except the fact it is not elected, and that has been used a number of times, and we know the occasions over the last few years where our present Prime Minister has railed at that.

* (1120)

The problem I have, if we elect the Senate, and if it was possible, as you say, within our power to make it equal representation from each part of Canada, is that we do destroy—we would have to change very drastically our legislative system here and go to, I would say, a separate executive, a presidential system for want of a better word.

I just can't see how these two bodies could agree if they're both equal. Somewhere along the line, you have to have someone to be able to pull it apart and then put it back together again. The Americans worked that out by their Senate-Legislature meetings they hold where they each put in Bills at the same time, work them through and then come out with a solution. It's been a very effective method for them. Whether or not it would work with us, I don't know. We basically follow British tradition and there's nothing wrong with the British system. I think it makes us very unique.

Mr. McCrae: What I seem to be getting then, sir, is that you're saying that the First Ministers' Conference is a foundation or a beginning of a system that could work if we did things a little differently, but use that system and use it in a way that would not bring to it some of the criticisms we've been hearing about the process. That brings us to this point. You're saying here's a foundation that we can work on, too.

Mr. Artibise: I really believe so. I think our present Constitution, as far as it has gone, was developed through that. I think it was developed very publicly by the then-Prime Minister and the Premiers who were part of that process. Not all of us are happy with the Constitution but it's what we have. Let's work with that and develop from there, rather than adding something onto it in such a way that we can't change it before it's added. That's what really, really bothers me about the Meech Lake Accord.

Mr. McCrae: Thanks.

Mr. Chairman: Mr. Artibise, I listened to your comments on distinct society with great interest. I want to understand that I took from you what you were saying. As I read it, you said you didn't really feel that concerned about distinct society in that what is, at most, contained in distinct society is already there in the notwithstanding clause anyway.

Mr. Artibise: Yes.

Mr. Chairman: Therefore, you don't see it as anything that extends Quebec's unique place in the federal union, beyond what was recognized by the notwithstanding clause, which of course can be used by any province and, as you point out, has been used by several.

Mr. Artibise: That's right.

Mr. Chairman: Is that your position, sir?

Mr. Artibise: Yes, I really believe that because I believe each person and each region and each province is distinct in its own ways. The Premiers, prior to 1982, must have felt they needed some process to protect that distinctive, particularly on social things where the notwithstanding clause really applies. The nice thing about the notwithstanding clause is, as I understand it—and I can be corrected—it does have a five-year hoist. In other words it has got to be—

Mr. Chairman: That's right.

Mr. Artibise: —again, the distinct society, as I understand it, is forever. Like if it's applied, it's forever, even in the case of Quebec. Five years from now or five years from when that Bill was passed in December, the House at the time must, I believe, look at it and change it if the Government of the Day wishes to change it. That gives us, the local societies, a chance to protect what they see as their unique place in Canada, and yet it does protect the long-term view of Canada in a way, too. I don't necessarily agree with the notwithstanding clause, but I think it's better than a "distinct society" clause. That's my opinion.

Mr. Chairman: Any other questions? Thank you very much. We'll get the written copy of your brief in due course and read it with interest.

Mr. Artibise: I appreciate again the time. Thank you.

Mr. Chairman: A pleasure. We'll take a five-minute break now, ladies and gentlemen. Don't go away; we'll be right back.

RECESS

Mr. Chairman: I'm going to ask your indulgence to change the order of speakers a little bit. One of the speakers quite late in the list has to be elsewhere first thing this afternoon. So if Ms. Alguire wouldn't mind, I'm going to ask Mr. Stewart McLean to come forward at this stage, because he's just unable to be with us this afternoon. Is Ms. Alguire here? Do you mind?

Ms. Tena Alguire (Private Citizen): Not a bit.

Mr. Chairman: Thanks so much. You're appearing as a private citizen, sir?

Mr. Stewart E. McLean (Private Citizen): Yes.

Mr. Chairman: Do you have a written brief at all?

Mr. McLean: No.

Mr. Chairman: Thank you.

* (1140)

Mr. McLean: Mr. Chairman, Honourable Members of the Task Force, I regret that there was a misunderstanding between myself and the young lady in the office concerning the speaking order. There are two submissions I wish to place before you relative to the Meech Lake Accord and the action to be taken by Manitoba.

First, to recommend to the Task Force and, through you, to the Legislature of Manitoba, that it should not support or approve the Meech Lake Accord, may I briefly outline my reason for this recommendation?

The Members of the Task Force do not need to be reminded by me of an important historical event which took place and which profoundly affected the history of the Province of Manitoba and the history of Canada. I speak of the depression, the Great Depression as it came to be known, beginning in 1929 and carrying on through the decade of the 1930s. This worldwide depression coincided with a natural catastrophe in western Canada, the severe and prolonged drought which brought western Canada to its very knees. This natural catastrophe and world crisis brought havoc to countless citizens of Canada and particularly in western Canada and the Maritimes.

It quickly became apparent that the provinces, which under the provisions of the British North America Act had the duty of taking such remedial action as seemed advisable to deal with the effects of the crisis, did not have the resources to do so. It was equally apparent that the Parliament of Canada possessed the resources and the ability to enact and support measures that would alleviate the worst effects of the depression and do so with some semblance of equality for all the citizens of Canada—and I emphasize those words—irrespective of where they happen to live.

Many measures were adopted and pursued by the Government of Canada and I might mention just a few

by way of illustration: transfer payments from Canada to the provinces, now known as equalization payments; assistance to agriculture through the Prairie Farm Assistance Act or the PFAA, and the Prairie Farm Rehabilitation Act; work camps for unemployed men; eventually, of course, the adoption of unemployment insurance. Indeed it was during this period on the 14th of August 1937 that the Parliament or the Government of Canada appointed the Royal Commission on Dominion-Provincial Relations whose report is commonly known as the Rowell-Sirois Report, one of the great documents in our constitutional history.

My strong submission to you today is that none of that would have been possible then, or would be possible now, if the provisions of the Meech Lake Accord were, had been, or were in place. The principles, policies and practices developed to meet that great emergency have been carried on down to today, making Canada a country in which we share in programs and policies designed to provide for all Canadians and in which we share our common Canadian citizenship.

The events of the 1930s, the lessons learned then and the progress we have made as Canadians since, demonstrate the absolute necessity of having a strong central Government with the capacity to act for all Canadians in the case of a natural catastrophe or a national crisis, or for the further progress of our country as an enlightened people and nation.

Mr. Chairman, I am aware of the importance of provinces, their respective Legislatures and their Governments. Provincial Governments have heavy and great responsibilities for education, the provision of health care, social services, agriculture, management of resources, the provision of highways and roads, and many other activities. However, we delude ourselves if we do not recognize the necessity and importance of a strong central Government if we are to survive as a Canadian nation.

This brings me back to my submission, that the principles and concept of the Meech Lake Accord should be rejected by Manitoba. If adopted, it would mean the end of a strong central Government for Canada. If adopted, it would in a short time make the Parliament and Government of Canada simply an eleventh Government, or an eleventh Legislature if you will. We would have 10 provinces, each going its own way. We would lose our common identity within the larger concept of Canadian citizenship.

My second concern has to do with what I submit is a side issue, but which has become entangled with the debate about Meech Lake. I refer to the so-called issue of Senate reform. I have placed before you my submission as to why I believe the Meech Lake Accord should be rejected. The issue of Senate reform, if there is an issue, is a side issue and should not be used to divert our attention from the main issue, namely, the question of whether or not the adoption of the Meech Lake Accord is good for Canada and Canadian people.

In particular, I urge you to disassociate yourselves from this nonsense about a Triple E Senate. If anyone here thinks that there is a problem with the Senate as it is presently constituted, I invite you to consider what

the situation would be like if the senators were elected, equal and constitutionally required to be effective. Who then would speak to the Canadian people? Who then would speak for Canada? Who would be our leader? You may be certain that any body of senators elected by the people and obligated to be effective would waste no time in making themselves effective or, alternatively, make it virtually impossible for the House of Commons to be effective. Stalemate, trade-offs, and log rolling would become the order of the day.

I urge, therefore, that you recommend in your report that the issue of Senate reform is irrelevant to the question of what Manitoba should or should not do about the Meech Lake Accord. If it is considered necessary or advisable to change the Constitution respecting the Senate, the Canadian Parliament, the provincial Legislatures, and the people of Canada possess now all the constitutional authority required to deal with that issue separately and on its own merits.

Mr. Chairman, the Manitoba Legislature and the Government of Manitoba normally devote their time to dealing with the nuts and bolts of providing good Government for the Province of Manitoba. It is only once in a long time that an opportunity arises to make a contribution to the great issues of nation building. The Legislature of Manitoba has such an opportunity now. Through you, Mr. Chairman, and Members of the committee, or is it Members of the Task Force, I urge that the Manitoba Legislature say no to the Meech Lake Accord, and yes to Canada.

Mr. Chairman: Thank you, Mr. McLean. The first question from Mr. Doer.

* (1150)

Mr. Doer: Thank you very much and thank you for the excellent recommendations. Mr. McLean, there are some parallels I believe today in terms of where we are with national spending programs to where we were in the late Thirties. I believe Manitoba was one of the key provinces between Alberta, at that point, that was in real dire straits, and the Premier of Ontario, Premier Hepburn, in terms of developing national spending programs and a national spending philosophy. Here we are again today with Manitoba as a strong province in terms of strong federal Governments trying to bridge the aspirations of the West, other Atlantic provinces and the Province of Quebec. Do you see any parallels in terms of our responsibility, given the historical perspective you have given us today with the recommendation on national spending programs?

Mr. McLean: Well, yes, although I am not entirely certain I understand what you mean by parallels. That is, are you asking me if I think that Manitoba should perhaps assume the same role that it had in that former time?

Mr. Doer: Well, certainly Manitoba was the one that I think bridged the East and the West to develop the strong perspective on national programs. It seems to me we are going the other way now. Even though we are going in different directions, we have the same opportunity, as you have pointed out.

Mr. McLean: That is correct. That is right. That initiative, by the way, was largely John Bracken who was then the Premier of the Province of Manitoba.

Mr. Carr: Thank you very much for that stimulating presentation. You talk about the importance of Canada to be governed by a strong central Government, and you at the same time reject the concept of an elected, equal and effective Senate. I wonder if you have any advice to us and to Canadians about how we can take the will of the provinces and represent them within federal institutions. Do you think the current Senate should be abolished? Do you think that the current Senate is performing a valuable function, or do you have some other ideas as to how we can make sure that smaller provinces are better represented within the central Government of Canada?

Mr. McLean: Mr. Chairman, the matter of being better represented, of course, runs counter to the idea which is really a relatively recent idea and again started in Manitoba, that representation should always be more or less in accordance with population. Mr. Campbell, then the Premier of Manitoba, was the one who introduced the basis on which constituencies are established and Members elected. What I am saying is that has sort of become the accepted norm now for representatives. So, there is a good question of whether you really feel that the Province of Manitoba should have an equal number of senators as the Province of Ontario. Quite frankly, I do not know about the integrity or the validity of such an idea.

Since you have been good enough to ask me, I had an idea which I thought of putting in my memorandum, because I think on the subject of the Senate that Prime Minister Trudeau gave us the key not too many years ago when he appointed the Honourable Duff Roblin to the Senate and the Honourable Mr. Manning to the Senate. Now, my point is this. He, no doubt, appointed some people who had been Liberal Premiers of provinces, but my point here is that Roblin was a Conservative, Manning was a Social Credit Premier.

I think this idea has a good deal of merit. These are people who were elected. They had fought—and you gentlemen will all understand this. They'd fought in the political trenches. They had received the endorsement of their people locally and provincially and had been the Leader of their province. That would be a source of people who would be valuable in terms of a Senate in Canada.

I want to be careful about this. I'm not suggesting we should have a law to that effect or anything of that kind. I think it's something that could be done by custom as, indeed, much of our British parliamentary practice grew up from custom in the start. I'm getting away from your question, but I cannot suggest how you could have equal numbers of senators from each province, because we are different.

I don't myself advocate the abolition of the Senate, because I think the Senate has performed, in our history, a valuable service and they can still provide a valuable service. You may not like the way people get to the Senate, but they're people who are normally pretty

intelligent and capable. There has been a tendency, in recent times, for the House of Commons and some of the Members in the Commons to bully the Senate, to our disadvantage, in my view. That's a gratuitous remark. They're not allowed to do what the original Fathers of Confederation intended when they proposed the Senate.

Mr. Chairman: Our time for questions has elapsed, sir. May I just say it's nice to see some of the old eloquence, which we knew of you when you were a Member of the Legislature and a Member of Mr. Roblin's Cabinet. Thank you.

Mr. McLean: Thank you kindly.

Mr. Chairman: Ms. Alguire is our next presenter. Mr. McLean, I just wanted to ask you, sir, can we have a copy of your script to reproduce it for the Members?

Mr. McLean: Mr. Chairman, I just really had speaking notes. They can be reproduced.

Mr. Chairman: I'd be glad of those. Thank you.

Mr. McLean: Okay.

Mr. Chairman: If there is anyone else, by the way, presenting who has less than 15 copies of their brief, we would like to have any written briefs that are available, including speaking notes. The gentleman outside the door, at the rear, will be glad to reproduce copies for you in sufficient number for our use. You might be kind enough to pass your written text to them now, so that we can have it ready by the time you appear before us.

I'm sorry, Ms. Artibise. We're ready to hear you. I'm sorry—Ms. Alguire. Do you have a written text?

Ms. Alguire: Yes, I have.

Mr. Chairman: Do we have it?

Ms. Alguire: No.

Mr. Chairman: We'll get it, thank you. Please proceed.

Ms. Alguire: There are many areas of the Meech Lake Accord that are discriminatory. Two of them concern me. The first is that women's rights are ignored. In the Charter of Rights and Freedoms, women's equality is assured. Canadian women have worked for years to be recognized as equals. We are prepared to continue that work in order to keep that equality. This is one reason why the Meech Lake Accord should be struck down.

* (1200)

My second concern is the word "distinct" as in "distinct society." If the people of Quebec are distinct, then by inference all other Canadians are indistinct. That means "vague" or "obscure." I resent that. I firmly believe we in the rest of Canada are just as bright as

anyone in Quebec, or anywhere else in the world for that matter.

I hope we will always have Quebec as part of Canada, but every part of Canada is important. No one part is more important than any other part. The Meech Lake Accord gives the impression that Quebec is more important than any other part of Canada. That is another reason why the Meech Lake Accord should be struck down.

Mr. Chairman: Thank you very much. Any questions? Thank you very much Ms. Alguire.

Ms. Stewart: We don't normally allow two presentations, but you were really proxy last time, weren't you? Thank you for your written presentation. Please proceed.

Ms. Frances Stewart (Private Citizen): Mr. Chairperson, Members of the Task Force, having two voices, I felt perhaps that on the second time around I should voice something completely different and radical. However, I am of course going to stick to my written submission.

I am pleased that this Task Force is visiting communities outside of Winnipeg. This gives me and many others a chance not only to voice opinions, but also to take part.

I am here as a private citizen to speak as a woman and the mother of a 15-year-old daughter. My concerns are voiced on behalf of women's rights now and in the future.

The Meech Lake Accord, in recognizing and protecting aboriginal and multicultural rights, sets up a hierarchy of rights which could relegate other rights to a second or third place. It should be noted that not only women's rights stand to be affected, but also rights of the disabled, the elderly, and other groups presently protected by the Canadian Charter of Rights and Freedoms.

I would request that the Manitoba Government not ratify the Meech Lake Accord. In the event that the Government of Manitoba chooses to sign the Accord, then I would recommend that the Meech Lake Accord be amended as follows: "Nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms." Thank you.

Mr. Chairman: Thank you Ms. Stewart. Mr. McCrae.

Mr. McCrae: Ms. Stewart, thank you for coming forward this morning. You are requesting that the Meech Lake Accord not be ratified and then saying that if we choose to proceed, then at least give us this. Is this the main and only concern that you are referring to when you ask us not to ratify the Accord? Are there other concerns that come immediately to your mind?

Ms. Stewart: I just do not feel qualified at the moment to talk about it. I do have some other concerns but my main concerns are those based on the Charter of Rights and Freedoms.

Mr. McCrae: All right, so what you are saying is that if Canada must proceed with the Meech Lake Accord you would feel a lot better if it had this non-derogation clause in it, is basically what you are here telling us today.

Ms. Stewart: That is correct.

Mr. McCrae: Okay, thank you.

Mr. Chairman: Thank you, again. Mr. Jim Wynes. You are appearing as a private citizen, sir?

Mr. Jim Wynes (Private Citizen): Yes, as a private citizen, Mr. Chairman.

Mr. Chairman: Thank you. Is there a written brief?

Mr. Wynes: Well, I've got a whole bunch of notes here but they aren't really a formal statement. I don't know whether you could get anything out of them.

Mr. Chairman: Please proceed with your oral presentation.

Mr. Wynes: Thank you, Mr. Chairman. Thank you for your friendly reception of us. I know you are on short time so I will get right on to it. I do not want to deal with the women's issues which have spoken to, or the issue of Senate reform which was so eloquently addressed by Mr. McLean. No one has mentioned the possible effect of Meech Lake on the establishment of new provinces, but as far as I can see it would simply mean the inhibition of that process. Native rights issues, that is an ongoing thing and everybody is into the act so I am not going to get into it.

However, I would like to talk about the "distinct society" clause. There is no place in Canada, in my view, for a distinct society within this Commonwealth, whether they are French Canadian, Ojibway, English or Dukhobor, none whatsoever. I do not draw a distinction between people who came across a land bridge from Asia or people on the last boat from Sri Lanka.

The theory of a cultural mosaic works only so long as all the parties to it have good faith and do not try and insist on special status and privilege. That is what the Meech Lake Accord tries to give to Quebec. Of course, this does not preclude individual status earned and deserved. I question—and this is the theme of my presentation—why we are so anxious to associate with a province which persists in the abhorrent behaviour that they do, and I am going to outline some of it.

In Quebec, we have what could be called a distinct society in a negative context. The CBC reported during a recent sign law controversy and showed two enforcers from the St. Jean Baptiste Society swaggering down the street with notebooks and muttering imprecations against the Anglos. They were so plain even I could understand them.

Also reported was the paranoid and hysterical chanting and cheering in the Paul Sauve arena when

the Canadian flag was burned. No one has been punished for this display of what I would call possibly treachery, and they probably will not be.

The Bourassa Government's use of the notwithstanding provisions of the Constitution to pass the abominable sign law language legislation did not satisfy the general population of Quebec. The headquarters of Alliance Quebec was burned and trashed and many other buildings have been vandalized, all in the name of deference to the self-appointed supermen down there. The provincial language police patrol to enforce the provisions of the restrictions of this language law.

All this is practically the same, except in degree, with what happened in Hitler's Germany and his Brown Shirts. To me, it is disgusting. The federal counterpart of this language police, the Commissioner of Official Languages, did not say very much about it, and what he did say was not effective.

The next move by Mr. Bourassa, the arbiter of this distinct society, could very well be to have yellow stars sewn on the backs of all the selected undesirables. My reading of the notwithstanding clause indicates that this next stage is possible, and we have not heard anything to the contrary here this morning. There is nothing to prevent it.

Now, it was only a short trip between the destruction of Kristalnacht and Dachau, and I do not want a replay of that in Quebec using the Alliance Quebec burning as a starting point. For evil to prevail, good men have to do nothing. I hope we remember that.

This society in Quebec was the distinct society where General de Gaulle was loudly cheered when he called for a "Quebec libre." Where were the cheers when de Gaulle wanted France "libred"? They were at anti-conscription rallies. We held a war and they did not show up.

* (1210)

You may think this is inflammatory, and so it is, but if you don't believe me I would suggest you look in the obituary section of the Legionaire magazine, any issue for the past 30 years, and you'd see what I said about the dearth of enlistees from Quebec is correct. Myself, I was at one place in England and there were 153 of us and, of them, three were French-Canadians but they weren't from Quebec.

This is a distinct society who made deals with the stranglers and kidnappers of Laporte and Cross. These fellows were welcomed back into Quebec and are, for that part of the world, now considered exemplary citizens. The immigration provisions, if effected in the Meech Lake Accord, would simply legitimize this.

This is a province whose Premier on Friday last threatened the new Premier of Newfoundland with dire economic consequences if he didn't support Meech Lake. That's a matter of record. This from the Premier of the province which, by denying a transmission corridor for Labrador power, bullied Newfoundland out of \$500 million a year. We want to associate with people like that? Some neighbours.

This is the distinct society which epitomizes banality. It provides Mr. Mulroney with most of his candidates for ethics in Government classes and many of his Cabinet vacancies. This distinct society has demonstrated in an ongoing fashion that it doesn't want to be part of Canada unless it can receive a disproportionate share of the benefits. This is unacceptable.

Rene Levesque wasn't the most agreeable person to the rest of Canada, but at least he was honest, never so honest as when he said that Quebec would become so obnoxious the rest of Canada would find Quebec intolerable. We must get rid of the notwithstanding clause of the Constitution, and we must get rid of the Meech Lake Accord completely. Thank you, Mr. Chairman.

Mr. Chairman: The next presenter, Ms. Trudi Gunia.

Ms. Trudi Gunia (Private Citizen): Mr. Chairman, Members of the Task Force, I am of the belief that the Meech Lake agreement will prove to be more a document of division than of unity and that it is seriously flawed. It is an affront to democracy that 11 men met, in secret session, at Meech Lake and arrived at such an Accord without proper consultation or input from the people of Canada. No rational public debate could possibly take place in the time frame allowed from April 30 to June 2.

There is considerable support across the country for Quebec's entrance into the Constitution, but there is no unity around the Meech Lake "amendment." It is fairly clear that in the Canadian context Quebec has special needs, and I do believe that, and considerations that have to be accommodated in the Constitution. I feel the Meech Lake agreement dilutes this concept beyond recognition by offering new powers to all the provinces.

The Prime Minister has given concessions to the Premier of Quebec and every other Premier. While it would seem logical that all provinces should have some powers, for Ottawa it was "easier" to empower all the provinces together than to deal with Quebec.

Is it not true that a "distinct society" has no status in international law? The United Nations recognizes the rights of nations and peoples to self-determination. This clause will not guarantee the democratic rights of the minority. Language rights are not individual rights but are the collective rights of a linguistic community.

First Nations maintain it leaves them permanently and purposely excluded. The rights of the Northwest Territories and the Yukon were ignored. They have no input into any of the provincial powers, and any individual province can veto their becoming provinces in their own right.

Required is a rewriting of the Constitution on a democratic basis to recognize the national interests of Quebec and Native peoples, and to provide protection for the rights of women, minorities and other groups who find themselves in oppressed circumstances. A new Constitution must guarantee the rights to economic, social, cultural and linguistic equality.

I suspect that the framework of Meech Lake can be found in the MacDonald Commission on the Economy. I believe the document which prompted free trade had, as its companion piece, a formula to revamp the political structure of the country to meet the desires of the powerful upper echelons for an integrated continental market. I see this Accord as promoting balkanization of Canada, which makes us easy prey for a number of foreign corporate giants which, I might add, we have witnessed in the past few months since the federal election. Drastic changes may very well endanger federal social programs.

This document, in a sense, is an abdication of the federal Government, of its duties and sacred trusts to the Canadian people. It is a document which complements the free trade deal. The choice to opt out of programs, possible cutting of transfer payments will allow quicker harmonization with the mode of operation in the United States. This too would allow for more and more privatization within the provinces. I am thinking particularly in terms of Medicare and other vital programs. The whole picture could very well put Canada on the chopping block.

A major concern to women is with regard to Article 7. It allows a province not participating in national programs to initiate "compatible" programs meeting "national objectives." Neither terms are defined. For example, it is very unlikely that such vital programs as the Canadian Medicare system could have been enacted under such conditions, thereby raising concerns about future social programs, including child care. As well, a democratic process with regard to the Constitution would allow us to address such burning issues as regional inequality, racism and sexism.

There have previously been calls for changes to the Senate, which is now almost certain to remain unchanged. The access to the pork barrel of Senate appointments will now be shared by all the Premiers. Every Premier will have to agree to any Senate changes. The Supreme Court of Canada is now open to provincial patronage appointments or to provincial appointments of judges, guaranteed to favour provincial powers in their constitutional decisions.

Provincial Governments have been given substantial powers over immigration policy. Immigrants will no longer be coming to Canada; they will be coming, in effect, to a specific province. Do we want 10 entirely different immigration policies in place, with the federal Government's being irrelevant? It seems clear that provinces will be financially encouraged to opt out of any new federal initiative. Any province which refuses to participate in a new federal program will be compensated by Ottawa, and can use that money for provincial programs with more voter appeal.

Aside from scrapping Meech Lake, I would propose:

Quebec alone should be able to opt out of federal social programs with compensation, providing compensation is used for similar programs, not less generous but adapted to the particular interests of Quebec. This would enable have-not provinces to avail themselves of such programs even if Quebec opts out.

Removal of all "notwithstanding" clauses from the Canadian and Quebec Charters and from other provincial Charters.

An amendment to grant Quebec the right to veto any constitutional amendment which diminishes its national rights. Specifically excluded must be the "right" to suppress the collective rights of the non-Francophone communities in Quebec, or the democratic rights of Francophone communities in English-speaking Canada.

Finally, I am of the strong belief that the decentralization of Canada endangers Canadian sovereignty and federal social programs.

Mr. Chairman: Thank you very much. Questions? Mr. Edwards.

Mr. Edwards: Ms. Gunia, thank you very much for your very interesting presentation. I just want to pick up on your statement at the top of, I believe it's page 2, where you talk about—and then you go on to get specific. The requirement, in your view, of a rewriting of the Constitution on a democratic basis, and then at the bottom left page you talk about a democratic process for writing Constitutions. Do you have any thoughts, any specifics as to what process might be best to come up with constitutional amendments, any advice in that regard?

* (1220)

Ms. Gunia: Well, for starters, I think when I refer back to page 1, you don't do it behind closed doors.

Mr. Edwards: Right.

Ms. Gunia: You know it should be done maybe like we are doing this. You should write it with the people of Canada, all of the people who have to deal with this and expect results from it later on. I am not a legal person and I will tell you one thing. When I looked at this thing, I got scared. I am not a legal person; I am not an economist; I am not a historian, but how many laypeople can understand what is going on in here and how it is written? It is practically impossible, and if things aren't written or presented to people in a simpler term that they can understand, then people will just look at it and they will say, well, I can't figure that out and they are not going to have any input. You've got to come to people in that sense, I think.

Mr. Edwards: Let me just add that I think you have understood it very well, and thank you for your efforts in working your way through it.

Mr. Chairman: Any other questions? Thank you again, Ms. Gunia.

Ms. Gunia: Thank you.

Mr. Chairman: Our last presenter this morning will be Mrs. Joyce Harrison, speaking on behalf of the Parkland Status of Women. We will then break until 2 p.m. and

resume for the remaining persons who wish to speak this afternoon.

Mrs. Joyce Harrison (Parkland Status of Women): Mr. Chairman, Members of the Task Force, we are pleased to have you here in Dauphin and to have this chance to present to you today.

The Parkland Status of Women urge the Manitoba Government not to support the Meech Lake Accord as it now stands.

We support the intent of the Meech Lake Accord, to bring in Quebec as a signatory to the Canadian Constitution. Our concern is that women's equality rights are jeopardized in the Meech Lake Accord. Canadian women fought long and hard to have these rights included in the Constitution of Canada.

The Meech Lake Accord guarantees specifically multicultural and aboriginal rights. By omitting a guarantee of women's equality rights, it must be assumed that they are not guaranteed.

The lives of women are touched in many ways by the Constitution which is a law that governs all other laws and all action taken by the Government. Women constitute 52 percent of the population and it is our lives which are affected. Our ability to deal with matters such as housing, child care, personal health and employment can be limited or expanded by powers established in our Constitution. It is important that any constitutional provision reflects the realities and needs of our lives as workers, homemakers, wives, mothers and citizens. It affects the outcome from family court, to sexual assault trials, to human rights adjudications. It shapes women's fortunes in board rooms and at the bargaining table, in the home and on the street.

Not only women's rights stand to be affected but also the rights of the elderly, the disabled and other groups presently protected under the Constitution, but not by the amendment to the Meech Lake Accord.

We are also concerned by the new provision that allows provinces to "opt out" of national shared programs. This may make it impossible to have national shared programs in the future, which will affect women in the areas of education, skill training, language training, health services, workers' compensation, welfare, and administration of justice, etc.

We urge the Manitoba Government to support women in amending the Meech Lake Accord by including the following: "Nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

Thank you.

Mr. Chairman: Thank you, Mrs. Harrison. Any questions from the Task Force? Thank you again.

Mrs. Harrison: Thank you.

Mr. Chairman: I am just going to ask Mr. MacIsaac, are you here? I am going to be impertinent enough to

ask you, sir, how long your brief is. It will determine whether we have it now or after lunch.

Mr. Doug MacIsaac (Town of Russell): It is very short.

Mr. Chairman: Come forward. You are speaking on behalf of the Town of Russell, sir?

Mr. MacIsaac: That is right.

Mr. Chairman: Thank you.

Mr. MacIsaac: I have some reading notes here but I can scarcely read them myself, so I do not think they would be of much value to the committee.

The Council of the Town of Russell opposes the Meech Lake Accord on the basis of the following: first of all, the process by which it was arrived at. The negotiations, as we all know, were carried on in secret with deadlines, and seemingly arriving at a settlement was far more important than the quality of the agreement. We believe that the Constitution of Canada belongs to the people of Canada and the negotiations should reflect this. That is one of the basis that we feel this should not be ratified.

The second disagreement we have is that the Accord institutionalizes the federal-provincial conference as another level of Government. Now, this is not a responsible level of Government, and although they may not legislate, the Premiers and the Prime Minister can and did commit their respective Governments to a course of action, as in the case of Meech Lake, where the country is presented with a seamless garment in which we cannot change a comma or a question mark. These people are not elected directly and what happens is that the federal-provincial conference has taken on the trappings of a meeting of heads of state. Considering the redistribution of powers under the Accord, this may soon become a reality.

The third point on which we base our disagreement is we feel that each province and region is distinct, but above all we are first and foremost Canadians. We will never become more Canadian if the central Government, through loss of power, is less able to respond to our needs. We are opposed to provincial controls in immigration. This is repugnant to our sense of Canadianism.

The fourth area on which we disagree is on the shared-cost programs. Provinces can opt out of programs and receive compensation for offering similar programs. This can and will result in a patchwork of Canadian programs. We, in Russell, live in a border community and differences in provincial programs can greatly affect our lives and our businesses. Under the Accord, the existing differences will be accentuated. This pits province against province, as in the case of agricultural subsidies where poor provinces are left out entirely.

It is our contention that the provinces perhaps are too strong to begin with and perhaps more of our programs should be national in scope. It has always been a puzzle to those of us in our area why it should

be cheaper to raise and market a hog or a calf in Marchwell, Saskatchewan than it is in Russell, Manitoba. That is simply because our provincial programs pit province against province, and that is not right. This is where we feel that the national Government should have more of a say in these things.

* (1230)

We are also opposed to the Accord on the basis of the inflexibility of unanimous consent, which will result in a stagnant nation and, in effect, it is the end of nation building. The chances of new provinces joining our Confederation or any reform to our Government are virtually eliminated. It has been suggested that if we place all of our wishes on a wish list that they will be discussed after the Accord is passed. Well, our wishes will always remain that if this Accord is passed because unanimous consent is virtually impossible, and we all know that. The only reason we got unanimous from the Premiers, in this case, was they were locked in a room and probably through some—whether they couldn't go to the bathroom—however, the Accord was reached. They all were given a deadline and they had to reach it.

So, on the basis of those arguments we suggest that the Meech Lake Accord—we don't get a parallel one—scrap it entirely and start over again, and let's do it democratically and let the people of Canada have a say in it. Thank you.

Mr. Chairman: Any questions to Mr. MacIsaac? Mr. Edwards.

Mr. Edwards: Mr. Chairman, I'll keep it very brief. I just wanted to ask Mr. MacIsaac, given your opening comments about the process, were there any thoughts the councillors in the Town of Russell had as to what process would be best for drafting and coming up with amendments to the Constitution, any specific thoughts in that regard?

Mr. MacIsaac: Yes, an open process where we can see them, perhaps travelling across the country, hearing from the people of Canada, but certainly not behind closed doors. This isn't a secret society and it is very objectionable. That is a dreadful thing to do to a country, to a democratic country, to have 11 people meet behind closed doors for 11 hours and come out and say, guess what we did to you.

Mr. Chairman: Any other questions? Thanks again, sir.

Mr. MacIsaac: Thank you.

Mr. Chairman: We are going to adjourn now, ladies and gentlemen, until 2 p.m. this afternoon. Thank you for your attendance and your interest this morning.

RECESS

* (1400)

Mr. Chairman: Good afternoon, ladies and gentlemen. We are continuing the session from this morning, public

hearing of the Manitoba Task Force on Meech Lake, and we have the same Members of the Task Force here as this morning. I hope you'll accept, with apologies, my suggestion that we don't go through the formalities of introducing everyone and we get on with hearing from the people who've come to speak to us this afternoon.

The first is Mrs. Alice Allen. You're appearing as a private citizen, Mrs. Allen?

Mrs. Alice Allen (Private Citizen): Right, I am.

Mr. Chairman: Thank you. Do you have a written brief?

Mrs. Allen: Yes, I have.

Mr. Chairman: Thank you.

Mrs. Allen: I think it was distributed—

Mr. Chairman: I found it, thanks. Please proceed.

Mrs. Allen: Mr. Chairman, Members of the Task Force, the greatest hoax ever perpetrated on our Canadian people was bilingualism. There has been a conspiracy in this country from the time de Gaulle landed in Quebec with his famous "Vive le Quebec libre." De Gaulle knew the French language was declining worldwide. They wanted another French country. Quebec was the logical place to start. They would have another French state in North America, then extend the French language to the rest of Canada.

Pearson started his B and B concept of Canada. I hope he's resting peacefully. The truth is, we are neither bilingual nor bicultural. We are in fact multilingual and multicultural. Over 96 percent of us, outside the region of Quebec, converse in English. According to statistics of the top 10 languages of the world, the English language is No. 1. French didn't even make the list, yet Ottawa is spending billions of dollars on French.

English is the language of the science world, the business world and the airways. Japan and China are teaching their young people English as a second language. To the south of us, where we do over 80 percent of our export business, 250 million people speak English.

Next came the "Three Wise Men" from Quebec: Pierre Trudeau, Marchand, and Pelletier. Since the day Trudeau came into power, Quebec has dominated the federal Cabinet. That great white father, Trudeau, rammed through the Official Languages Act. Trudeau manipulated people in office to implement his own selfish political ideology, not considering the people of Canada.

Our politicians have not been honest with us, but it was France that initiated the drive to expand the use of French from coast to coast.

Next, enter Mulroney. I had high expectations that at long last the West would be listened to. Prime Minister Mulroney is following the same footprints. Ottawa is still funnelling industries into Quebec. The eastern and

western provinces are still ignored. It all boils down to the Quebecois vote.

When my people emigrated from Austria, they understood they were coming to an English-speaking country. I want to emphasize that they swore allegiance to the Queen of England of the Day, and not the King of France.

I tried to think of a solution to Canada's problem back in 1983. I thought maybe we should create another Europe in Canada. The French have their province, Quebec. We could create a German province, a Swedish province, a Chinese province, etc. However, I had a problem. My two grandsons, whose bloodline is English, Irish, Polish, Ukrainian and the other grandmother is French, very much a Canadian. Through a second marriage, a trickle of Icelandic blood is there. Which province would be their home?

I am classified as a racist and a bigot. Have you ever heard the politicians accuse the Quebecois of being racists? No one can convince me that Canada is not a melting pot. Are you aware, there isn't one politician who can tell me what bilingualism is costing this country? I do know—and I think I gave you the figures at the back of the brief. I do know that in '83 the Franco-Manitoban Society was receiving \$600,000 per year. Ontario Francophone organizations were receiving \$4,004,531 in '83. There were 28 organizations in Ontario alone. These payments are from the Secretary of State's office on an annual basis and increased annually. The Secretary of State will also pay legal costs, should an organization take the Government of Ontario or a school board to court to force expansion of the French language or services. This is just two provinces. These paid organizers are a privileged race of people. They're actually plotting against my country.

In Swan River, we've had to add three units to our school because of French immersion. I resent my tax dollars being wasted on something that is not a necessity. Unemployment is high, health care is suffering. The unemployed cannot eat French at the table. Where are our priorities? And they're crying deficit to me! Furthermore, if you don't use a language, you lose it. This is the voice of experience. What a waste of our tax dollars!

* (1410)

In November 1982, Serge Joyal, Trudeau's Secretary of State, was speaking to the Federation Acadienne and said: "The ambition of making Canada a French country both inside and outside Quebec is something beyond the ordinary imagination." He said, "It was hard in the 1970s for some of our fellow Canadians, who speak the other language, to accept the fact that Canada is a French state," but reported that "the true living French is here." That statement of Joyal's absolutely terrifies me, as it should you!

Serge Joyal goes on to say: "You must also support your municipal council. This level of Government is very important because if we wish to develop a French lifestyle, all the elected agencies representing us must reflect the concerns that we have as a linguistic community." Believe me, our paid organizers have been

working. The population of French people in Manitoba stands at about 5 percent; Saskatchewan sits at 2 percent.

Surely you are aware that a federal civil servant can no longer receive a promotion unless they can speak French. Opportunities are limited in the RCMP if you are not bilingual. The federal Government gives you a bonus if you can speak French, even if you are a janitor. I assume you can talk to your mop in French.

This is nothing but discrimination. Does our Human Charter of Rights not pertain to Ottawa?

What is so important about Quebec that they must have that "distinct society" clause in the Accord? What does it mean?

To my understanding Meech Lake gives Quebec unlimited powers, veto power, control over their own immigration. It is a proven fact Bourassa cannot be trusted. He has outlawed English from Grades 1 to 3; he has outlawed English signs. Ottawa has bent over backwards to appease Quebec. We were told to sign Meech now and debate later. I don't think anyone here would sign a contract and negotiate the price of a car or home after the contract is signed.

I think Quebec wants a unilingual French nation.

Next, there will be threats of separation again. Great! The sooner the better, at least they will be off the taxpayers' back.

Mr. Chairman: Order, please. We don't allow interruptions in the form of applause or boos or anything of that sort. If you wish to applaud at the end of the speech or otherwise, please feel free, but do not interrupt. Thank you.

Mrs. Allen: Shall I start that paragraph again?

Mr. Chairman: By all means.

Mrs. Allen: Next, there will be threats of separation again. Great! The sooner the better, at least they'll be off the taxpayers' back. They'll be able to fly their own flag forever, and quit burning the Canadian flag.

If you must negotiate Meech Lake, I want protection for the English language in the Accord; I want equality for the people of Manitoba; I want equality for Western Canada; I want equality for the Maritimes, including Newfoundland and Labrador; I want equality for the Northwest Territories and the Yukon; I want a reformed Senate to represent all people of Canada. We don't want to be first-, second-, or third-class citizens; we want to be Canadians. We want the right to work in English in our Civil Service. We want the right to promotion in the Civil Service.

It is a sad, sad day for Canada when we cannot have a Prime Minister in this country who has the ability and the fortitude to love and govern Canada, unless he can speak French.

I would remind all Canadians that the Constitution belongs to its people. It is the people's instructions to the Government as to how they wish to be governed.

and not vice versa. Enough is enough for this Canadian. This is submitted by Alice Allen.

Mr. Chairman: Thank you, Mrs. Allen. Any questions from the Task Force? Thank you.

Mrs. Allen: Thank you. Thank you for listening to me.

Federal Payments to Francophone Organizations in Ontario - 1983.

Cdn. Parents For French, Ottawa.....	47,000.00
Ass. Cdn. Fran. Ontario, Ottawa.....	90,000.00
Ass. Presse Fran. Hors Quebec, Ottawa.....	120,000.00
Societe Fran. Ont. Histoire Genealogie, Ottawa.....	36,750.00
Ass. Cdn. Fran. Ontario, Ottawa.....	1,298,000.00
Cdn. Parents for French, Ottawa.....	109,950.00
Ass. Press. Fran. Hors Quebec, Ottawa.....	205,225.00
Fed. Ass. Parent Instit. Fran., Ottawa..	72,000.00
Fed. Elev. Fran. Ontario, Ottawa.....	80,000.00
Fed. Femme Cdn. Fran., Ottawa.....	303,189.00
Fed. Fran. Hors Quebec, Ottawa.....	569,100.00
Fed. Jeune Cdn. Fran., Ottawa.....	358,772.00
Ass. Fran. Nord Quest Ontario, Thunder Bay.....	38,250.00
Centre Communautaire Fran. de Cambridge.....	25,000.00
Centre Cdn. Fran., Chatham.....	28,500.00
Centre Cult. Ronde Inc., Timmins.....	38,000.00
Centre Fran. Hamilton, Inc., Hamilton..	38,000.00
Club Alouette Laval Inc., Burlington....	27,000.00
Centre Communautaire Griffon, St. Catharines.....	38,000.00
Centre Cult. Chenail Inc., Hawkesbury..	26,000.00
Chiffonniere Windsor, Ontario.....	37,317.00
Compagnons Fran. Loisirs, North Bay..	41,000.00
Conseil Organisme Fran. Durham, Oshawa.....	26,000.00
Fed. Org. Cult. Fran. Nord Ontario, Sault Ste. Marie.....	25,000.00
Union Cult. Fran. Ontario, Vanier.....	38,520.00
Centre Activite Fran. Ontario, Penetanqueshene.....	80,700.00
Conseil Organisme Fran., Toronto.....	122,300.00
Regroupe Cult. Fran. Ont., Gloucester..	84,958.00
	4,004,531.00

Payments are from the Secretary of State's Office on an annual basis and are increased annually. They are Grants/Contributions to Official Languages Minority Groups. The Secretary of State will also pay legal costs should an organization take the Government of Ontario or a school board to court to force expansion of the French language or services.

Mr. Chairman: Our next presenter is Mr. Michael Sirtonski. Do you have a written brief, sir?

Mr. Michael Sirtonski (Private Citizen): Yes, Sir.

Mr. Chairman: Oh, yes, I'm sorry. I do have it. Thank you. Please proceed. You're appearing as a private citizen?

Mr. Sirtonski: Yes, Sir. It is dated April 26, 1989, to the current Government of Canada and a carbon copy to future Governments of Canada. It is from Michael Sirtonski, Certified Management Accountant. Subject: My views on the Meech Lake Constitutional Accord.

Canada is the most fortunate of all countries in the world. Our natural resources are plentiful; we have a manageable population; a democratic Government, and a friendly and prosperous neighbour to share a common, unprotected border. We have a fine education system, and social programs much of the world is envious of. In spite of all this, we have, contrary to the wishes of the majority of the citizens of Canada, Governments who:

- allow abortion on demand;
- refuse to reinstate capital punishment;
- allow patronage to be the norm in Government affairs;
- implement metrification to everyone's confusion. (Air Canada jet lands—out of fuel—in Gimli!);
- operate totally beyond the means of its citizens to provide revenues, i.e. billion dollar deficits now the norm;
- take in approximately 20 percent of federal tax revenues from one province while channelling back approximately 45 percent (the province is Quebec);
- allow one province to be, in effect, unilingual, while forcing the rest of the entire nation to be bilingual. This is accomplished with millions of dollars of taxpayers' money. By the way, how much are these meetings costing Canadians and Manitobans?

The Meech Lake Constitutional Accord should be scrapped. Now, before you create a special class of citizen in this great country of ours, everyone can and should be proud to be a Canadian, not a Quebecois, a Maritimer, or Albertan, nor a Frenchman, Ukrainian, or an Englishman. If not, well, why not settle where the grass is greener?

The bottom line is the country doesn't need it, the country doesn't want it, and the country certainly can't afford it. Why doesn't Government instead:

- stop abortion—there'll be more taxpayers in the future;
- reinstate capital punishment—there'll be no repeat offenders in crowbar hotels at the public's expense;
- reduce the deficit by reducing Government bureaucracy, mismanagement and waste (refer to the Auditor General's reports);
- put an end to forced bilingualism. It is not right that my children will not qualify for a Government job just because they don't speak French, irrespective of how qualified they may be.

Please stop. Our country cannot afford what you, the Government, are doing.

Thank you very much for this opportunity.

Mr. Chairman: Thank you, sir. Are there any questions from the Task Force? Do I take it from your comment that you don't agree with the public hearing process in Manitoba?

Mr. Sirtoneki: I don't agree when at a minimum 10 to 20 percent of our population can't find a job, when 10

or 20 percent is on unemployment and the Government has to create these types of committees and hearings to determine what, by listening and reading and getting a feel for your ridings, people of Canada do not want. They don't want a single Quebec. So, no, I don't agree with these. I agree with the concept of these hearings because if they put an to this issue, Sir, then, yes, I agree. The entire thing is just a waste of the taxpayers' monies when we have a billion dollar deficit happening. Manitoba itself is running at deficits every year and can't afford this type of travelling money spender just to prove to the Government in Ottawa what the country is telling them and what their own Members can tell them. The lady ahead said it very well—where there is just the Quebec end of the thing, is putting all of this through.

* (1420)

Mr. Chairman: I guess we wouldn't have had the benefit of hearing you, sir, if we hadn't had these public hearings.

Mr. Sirtoneki: I wish you wouldn't have had to.

Mr. Chairman: Thank you for your presentation.

Mr. Sirtoneki: Thank you very much.

Mr. Chairman: The next presenter is Mr. Larry Catagas, representing the West Region Tribal Council. Did I pronounce your name correctly, sir?

Mr. Larry Catagas (West Region Tribal Council): It's actually Catagas. I am just wondering how they would pronounce it in French.

Mr. Chairman: Thank you.

Mr. Catagas: The eight-member bands forming the West Region Tribal Council cordially greet you and wish you well in carrying out your mandate. Our member bands include Crane River, Gambler, Pine Creek, Ebb and Flow, Rolling River, Valley River, Waterhen and Waywayseecappo.

There has been much discussion in our communities about the Meech Lake Accord. Our chiefs and councillors of our eight communities have also had much communication at the band and at tribal council level. In every instance, there could be found much consternation and certainly many disturbing comments. Our people have directed our leaders to make our position very clear to all parties.

Accordingly, we take pride in appearing before this committee of the people, and for the people. Our comments and recommendations are characterized by a positive tone. We believe in building and progressing issues so that constructive and meaningful accomplishments will occur. The issues:

1. Quebec as a distinct society:

We are concerned with the practical effects of the recognition of Quebec as a distinct society,

primarily because it converts an illusion into what is portrayed as a fact. The idea of a duality in Canada strengthens the myth the French and the English are the foundation of Canada. It neglects the original inhabitants and distorts history. It is as if we Indians never existed.

The Meech Lake Accord fails to give explicit constitutional recognition to the existence of the First Nations as distinct societies that also form a fundamental characteristic of Canada. If anybody is more distinct, it surely is the people of the First Nations—Indians.

If Quebec is made a distinct society, then what does this mean for the First Nations people living there? The Government in Quebec has already overridden a minority right clearly established in the Supreme Court of Canada.

First Nations were told for five years that Governments are reluctant to entrench undefined self-government of aboriginal people in the Constitution. Yet, here is an even absurdly vague idea of a distinct society, unanimously agreed to and allowed to be left to the courts for interpretation.

2. Opting-Out Provision:

The capability to opt out of a national program by a province with the condition that the province undertake its own initiative would prove devastating to aboriginal communities. Unfortunately, we are heavily dependent upon socioeconomic programs. Our experience has shown us that when provincial Governments deliver programs to the First Nations, they invariably fall far short of minimum requirements. The point is, there is no constitutional assurance which compels or ensures provinces to meet the obligations and Treaty rights, which the country and Government of Canada has outstanding with the aboriginal people.

3. Immigration:

The control on where people reside could be damaging to Native land claims. Suppose the federal or provincial Government decide to settle thousands of people in areas where land claims are yet unresolved. There is no recourse to these types of decisions. New problems are created instead of being resolved.

4. Creating New Provinces:

According to Meech Lake, the creation of new provinces will require the unanimous consent of Parliament and the provincial Legislatures. Aboriginal people and others in the Territories will not be able to determine their own political destiny. This denies self-determination.

Any single province will have the power to veto the establishment of new provinces for any reason. Now, if this concept of unanimity were to apply to any future amendments to clarify aboriginal and Treaty rights, or provide for the explicit recognition of aboriginal self-government,

then it would be easy to conclude that these types of actions would be impossible.

5. Decentralization of authority:

It is clear that the Meech Lake Accord will be a major shift of power towards provincial control. If this occurs without aboriginal protections, we believe that the ability of the federal Government to exercise its moral and legal responsibility in practical terms under Section 91(24) of The Constitution Act, 1867, will significantly erode whatever the Constitution says.

THE FACTS ON TREATIES

The importance of Treaties for aboriginal people and the Government of Canada cannot be understated. Historical and constitutional law has established the following:

Treaty making has been the process and vehicle to establish relations between the Crown and the aboriginal people.

The federal Crown has been the treaty maker in relation to the First Nations' Treaties.

First Nations' Treaties have not been subjected to provincial ratification.

It can be said as well the federal Government had the power to implement the First Nations' Treaties without provincial legislation ratification, because Section 132 of the Constitution Act, 1867, provides that: "The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries." First Nations and the British Empire were parties to the Treaties since Canada only acquired its treaty-making power in 1947.

In addition, Section 91(24) gives the federal Government and Parliament the exclusive jurisdiction to deal with Indians and the lands reserved for Indians, even though provincial legislation, such as the Natural Resources Transfer Act of 1930, is in direct conflict to the Treaties and the Constitution Act of 1982.

TREATIES IN THE MODERN CONTEXT

Treaties occupy a special status in the domestic law of Canada. Prior to 1982, Treaty rights were accorded protection from provincial legislation and, hopefully, subsequent to 1982 they will be shielded against federal law based on the primacy of the Constitution, Section 52, over any law that is inconsistent with the provisions of the Constitution.

The Treaties with regard to their bilateral nature and recognized rights therein are much more than their historical and symbolic significance. It is a fact which Canada cannot deny, otherwise its claim to the legal occupation of lands in Canada would be without basis pursuant to international law.

TREATIES AND THE MEECH LAKE ACCORD

The rules of federalism are especially important in Canada because they protect the jurisdictional, cultural, linguistic and regional diversity of the nation for the English and French. The only shield in terms of the constitutional and legal framework of Canada to protect the aboriginal people against the balkanization of this country is the maintenance of the bilateral treaty making and federal exclusive power in relation to aboriginal subject matter.

The Meech Lake Accord further strengthens one group in this country while again failing its Treaty obligations to aboriginal people.

The recommendations that we have come up with from the West Region Tribal Council are that:

1. We, the First Nations of the West Region Tribal Council, first of all, totally reject the Meech Lake Accord for the reasons which we have detailed.
2. We recommend that explicit recognition be included in an amended or new Accord for First Nations as distinct societies. This would recognize that First Nations constitutes another fundamental characteristic of Canada.

* (1430)

3. Renewal of the constitutional process to negotiate (a) removal of the word "existing" from Section 35(1); b) explicit recognition of aboriginal title and the inherent right to self-government in addition to a framework for the establishment of aboriginal self-government.
4. First Nations' participation at First Ministers' Conferences dealing with issues of impact on First Nations.
5. Guarantee that provincial opting-out provisions will not prejudice First Nations' access to federal programs or the right to administer such programs.
6. Creation of new provinces remain in federal jurisdiction exclusively.
7. Explicit protection from the Meech Lake Accord for Sections 25 and 27 of the Charter of Rights and Freedoms, Section 35, Constitution Act, 1982, and Section 91(24) Constitution Act, 1867.

Mr. Chairman: Thank you, sir. Questions from the Task Force? Mr. Doer.

Mr. Doer: Thank you very much for the presentation. A question on the proposal dealing with the opting-out provisions, are you recommending, by way of implementing your suggestion in the brief, that we delete the wording dealing with the spending power, or are you suggesting wording that will satisfy the concerns you have outlined in the brief?

Mr. Catagas: I think I would like to see some amendments that would satisfy what I have just presented.

Mr. Doer: A supplementary, on the issue of creation of new provinces, as you know, the present Constitution took away the right of the federal Government exclusively to establish provinces and now has the seven-for-ten provision of 50 percent. I agree with your position on unanimity and I agree that the federal jurisdiction would be the No. 1 priority, but just dealing with Meech Lake, if we were to get it back to where it was, from the '82 Constitution, would that be satisfactory for your organization?

Mr. Catagas: I would say so, yes, if it were to go back to that.

There is one additional comment I would like to make. We recently came back from a trip to Oklahoma where we were able to take a look at what the tribes were doing out there. They seem to have a unique relationship with the American Government out there. They are a sovereign nation; they are able to deal with a lot of issues themselves. They have their laws, their own court systems. They have economic development like it was going out of style. One tribe we went to see, they have about six hotels across the United States. They have bingo palaces that generate a lot of revenue and I think that is something that we would like to be able to do and have a similar type of relationship with the federal Government where we are able to be sovereign and yet still part of Canada.

Mr. Chairman: Any other questions? Thank you very much, sir. The next presenter, Ms. Glenda Richard.

Ms. Glenda Richard (Private Citizen): Good afternoon. As was stated, my name is Glenda Richard and I live in Swan River, Manitoba. I would like to say, first, that I am not here representing any particular group. I wanted a chance to talk about how I feel about the Meech Lake Accord as an individual.

There are many things about the Meech Lake Accord and how I will be affected by it that I do not understand. This is not because I haven't tried to understand it. I have spent many hours reading newspaper stories, studying briefs and reports written on the subject by a variety of interest groups.

This is what I do understand. I understand that the Meech Lake Accord will guarantee the rights of French-speaking Canadians as a distinct and special part of the Canadian mosaic, and that the Government feels strongly enough about preserving these rights to spend a lot of money and time to guarantee them.

As a woman, as a Metis and as a Northerner I feel that I am a member of a distinct and special part of Canadian society, too. I feel that I am every bit as special as the French-Canadian population, and yet the Government is not proposing that my rights be guaranteed in the Meech Lake Accord.

I spoke with a woman friend of mine last week about the Meech Lake issue, and she commented to me that perhaps I was missing the boat by concentrating my concerns on what this could mean to women. Her suggestion was that I should be looking at how this would affect all people instead of segregating women

from men in my search for understanding. Her stance was that we are all equal in this country and that we will all be equally affected. I asked her if that meant that she believes that, in Canada, women have the same opportunities for and access to meaningful employment, economic resources and political voice and power as men do. She had to say, "No, we don't."

As a woman, I am very concerned when I see the Meech Lake Accord guaranteeing that the concerns of French Canadians are more legitimate than those of other groups. There are many groups of people in this country who can claim, and rightly so, that they are distinct and special. From the concerns of handicapped people to the issues special to women, to aboriginal and to immigrant people, how can our Government propose that French-Canadian rights be guaranteed in a separate and different way?

Over the last 10 years, I have heard the women of this country become increasingly vocal about our needs and about the importance of having our Government recognize the need for special effort to ensure that women receive equal opportunity to compete for a slice of the pie. While we have made some gains in the area of employment through affirmative action programs, not enough has changed that anyone can legitimately claim that we have equal opportunity.

I also hear the Government assuring us, as women, that the Meech Lake Accord does not threaten the status of women's initiatives and special concerns, or at least that there are only relatively limited risks to women's equality rights. At the same time as this is being assured, I am hearing women of the NDP and Liberal Parties expressing disappointment in the document drawn up by the provincial Tory Government's action team on women's issues. In the Winnipeg Sun, Liberal Status of Women's critic, Avis Gray, was quoted as saying, "The document contains nothing but lip service to the concerns of women, that it is full of urging and encouragement but does not have any concrete plans." How then am I to feel reassured when the federal Government wants me to accept the Meech Lake Accord with little more than the same vague promises?

As I stated before, there are many things that I personally don't understand about what the long-term effects of the Meech Lake Accord could mean to me, and it may be that I am missing a few pieces of the picture. So in an attempt to better educate myself, I polled a number of women acquaintances to ask them what is their understanding of the Meech Lake Accord and its possible ramifications. The majority of these women reflected my own general fear and confusion about what it means but were unable to articulate specific fears and concerns. I have heard the same opinions expressed by immigrant women speaking to this hearing when it visited Thompson. I have also heard the same fears expressed when I speak with our aboriginal politicians.

The bottom line for myself and maybe for many others is that until my fears have been put to rest and until my confusion has been replaced with a clear understanding of the specifics, I do not want the Meech Lake Accord pushed into place over my objections.

As a woman and as a Metis, I have learned the hard way that although you can legislate change in the law, you cannot legislate change in people's attitudes. Perhaps that is what we are battling here, not the Meech Lake Accord itself but the attitude of the 11 Ministers who would have us accept that the French-Canadian concerns are more important than those of women and aboriginal people. Thank you for giving me this opportunity to speak.

Mr. Chairman: Thank you, Ms. Richard. May I just ask you to pause in case there are any questions? Thanks again.

* (1440)

Mr. Richard: Thank you.

Mr. Chairman: That is the last presenter I have on my list, ladies and gentlemen. Are there any others who wish to speak to the Task Force? Yes, sir? Could you give us your name, sir?

Mr. Alex Simpson (Private Citizen): My name is Alex Simpson.

Mr. Chairman: You're appearing as a private citizen?

Mr. Simpson: I'm appearing as a private citizen.

Mr. Chairman: Please proceed.

Mr. Simpson: Very well. Much of the things that I was going to talk about here today have been covered, and covered very well, by some of the previous briefs that have been presented. However, I do welcome the opportunity to enforce, in my opinion, the briefs presented, particularly by the lady from Swan River and a gentleman from Dauphin.

I am speaking as a veteran of the Second World War and this subject was brought up by an earlier speaker. I wish to reiterate everything he said and possibly enlarge upon it. We have a minority in this country, and I'm referring to Quebec, that has foisted their wishes on the rest of Canada. I don't think that fits too well with the veteran organization in this country, because when they were needed and needed in large numbers they were rather conspicuous by their absence, and we resent that and resent it very much.

After that statement, there are going to be people in here say, because they have no better thing to say, that you are a bigot. Well, so be it. That's fine. It takes one to know one.

Now, this "distinct society" clause has me upset. I think it has most of Canada upset and we say, enough is enough. We have gone as far as we're going.

What has happened here is, little by little and unnoticeable, this thing has been pushed at us, not too much at a time, just a little bit so you don't say too much, something like the increase in the price of petrol or gasoline in this country, just a little at a time. Well, we're fed up with this and we don't want any

truck or trade with it. As the gentlemen said before, and as I said I'm speaking as a veteran, not for the Canadian Legion, but as an individual. As he said, he referred to the Legion magazine in the last post, it's a very strange thing that these people are not dying when the rest of us are.

I think we've had enough sops to the Province of Quebec, and I'm not against minorities. I think minority rights should be protected, but what is happening in this country at every level is Governments at all levels are listening far too much to vocal and visible minorities and forgetting the majority. Those are the people we should be hearing from.

I know my father said, as a boy, and it seems to be coming true, that there is too large a segment of Canadian population are like wheelbarrows, they go where they are pushed. Well, this is one Canadian who doesn't like to be pushed and doesn't intend to be pushed.

That's about all I have to say on the distinct society.

The other thing that annoys me, and I had the pleasure or displeasure, whichever you want to call it, of being in Ottawa last summer. For a second time, I've toured the Parliament Hill and it's most enjoyable, but when we hit the Senate Chamber—and we fortunately had a security man with us. There was a very small party of us, five, I believe it was, or six in number. When he arrived at the Senate, he said this is where the boys get their rest and sleep. Well, I would hate to see the Senate abolished. I think it originally had a great function, but I think that function has been diminished, certainly in the eyes of the Canadian people.

I have with me here today—and some of you people here in this audience may have seen it and you may not, but it is the "Ottawa Citizen." They did a complete and detailed analysis of the Senate and it's available for reading, but I would hazard a guess that very few people in western Canada, in fact outside of the Ottawa valley, would have access to this or be even interested in it, but it tells you everything about the Senate. This isn't a thing that was written by a newspaper overnight. There is 14 months research done into this.

It tells you who is in the 102 Senate when it's at full strength. It also tells you who appointed them, how old they are, whether they are appointed for life or whether they are appointed to age 75. It also discloses their salaries at that time, which was March 28 of 1987. It also tells you how they will be compensated after they retire at age 75, if that is the case. Now I think this is a thing that everybody in this room should read, and it will tell you something about the Senate.

Now, as I say, I'm not against the Senate, and this Triple E Senate idea maybe has some merit, but I think there's another thing that should be considered—we don't need a Senate that size.

The matter of minorities in this country and, as I say, I think they should be protected and well protected, but if these minorities that we keep talking about and dwelling on are so anxious to preserve this culture and particularly the French culture, let them pay for it out of their own pockets and don't go to the rest of the Canadian citizens who don't want that particular thing, in other words, digging out of the Canadian taxpayers' pockets. Let them support it. We've got 300 years of French in Canada, since the days of Jacques Cartier, and we've had many, many generations passed. These people don't consider themselves Canadians. They are French Canadians.

Well, I'm a first-generation Canadian and my people are highland Scots. I'll tell you this, I have every right and more right after one generation to call myself a Canadian, and I am most proud of being a Canadian, than these people have perpetuated for 300 years.

Thank you, gentlemen.

Mr. Chairman: Are there any other presenters? If not, ladies and gentlemen, that draws to a close our public hearing in Dauphin. Thank you very much for your interest and for your attendance. Good afternoon.

HEARING ADJOURNED AT: 2:50 p.m.

NUMBER

9

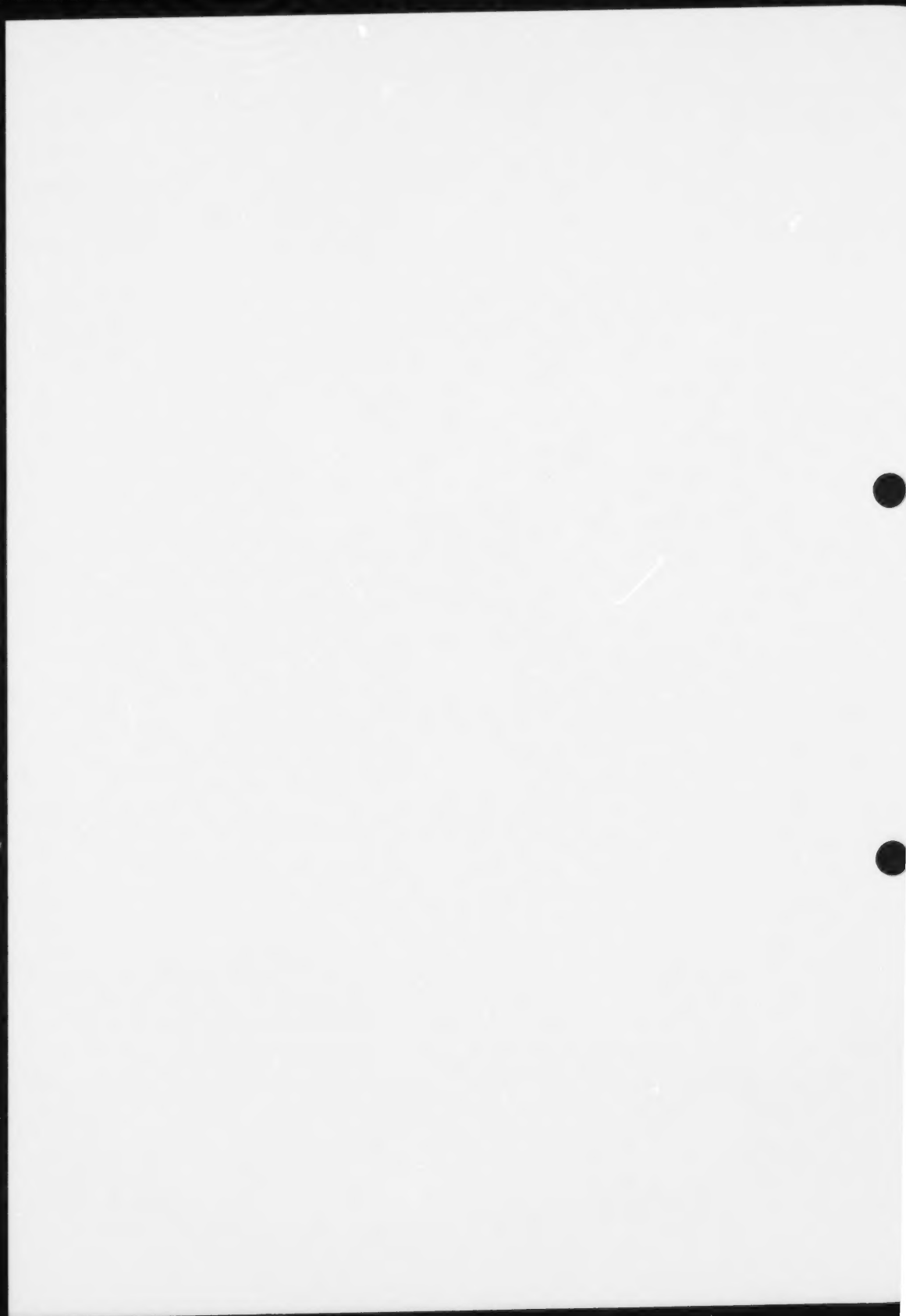


Manitoba Task Force on Meech Lake

April 27, 1989
Winnipeg, Manitoba

No. 9

Chairman: Professor Wally Fox-Decent



MANITOBA TASK FORCE ON MEECH LAKE

Thursday, April 27, 1989

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Committee present:

10 a.m.

Mr. James Carr (Member for Fort Rouge)
Mrs. Sharon Carstairs (Member for River Heights)

* Substituting for Mrs. Sharon Carstairs at 12:30 p.m. and 5:30 p.m., Mrs. Iva Yeo (Member for Sturgeon Creek)

Mr. Gary Doer (Member for Concordia)
Hon. Gerrie Hammond (Member for Kirkfield Park)

Hon. James McCrae (Member for Brandon West)

* Substituting for Mr. Darren Praznik (Member for Lac du Bonnet), Mr. Harold Gilleshammer (Member for Minnedosa)

2 p.m.

* Substituting for Mr. Gary Doer from 2 p.m. to 3:10 p.m. and at 5:10 p.m., Ms. Judy Wasylcia-Leis (Member for St. Johns)

* Substituting for Mr. Darren Praznik, Hon. Gary Filmon (Member for Tuxedo)

7 p.m.

* Substituting for Mr. Gary Doer from 7 p.m. to 10:30 p.m., Mr. Jerry Storie (Member for Flin Flon)

* Substituting for Hon. Gerrie Hammond, Mr. Harold Gilleshammer

Support staff for the Manitoba Meech Lake Task Force:

Mr. Binx Remnant, Secretary
Ms. Kathy Brock, Research Director
Mr. Vic Toews, Constitutional Advisor
Ms. Anita Tiessen, Media Relations
Ms. Bonnie Greschuk, Assistant Secretary
Ms. Annette Landry, Administrative Secretary
Ms. Ava Hawkins, Interpreter for the Deaf
Ms. Bonnie Dubiński, Interpreter for the Deaf
Ms. Brenda Bruce, Interpreter for the Deaf

Appearing:

10 a.m.

Ms. Ruby Reske-Naurocki, Private Citizen
Ms. Shelley Adey, Private Citizen
Mr. G. Patrick S. Riley, Private Citizen

Mr. Wilf Hudson, Manitoba Federation of Labour

Ms. Susan Hart, Manitoba Federation of Labour

Ms. Bev Millan, Manitoba Action Committee on the Status of Women - Winnipeg Branch

Ms. Zuliy Trujillo, Private Citizen

Professor J. E. Rea, Private Citizen

Mr. Ron Coley, Private Citizen

Mr. Duane Martin, Private Citizen

Mrs. Annie Mills, Private Citizen

Mr. Al Mackling, Private Citizen

Mrs. Shirley Jo Paine, Manitoba Association of Registered Nurses

Ms. Susan Derk, Manitoba Association of Registered Nurses

2 p.m.

Mr. Richard Chartier, Private Citizen

Mr. Robert Ages, Private Citizen

Mr. Bill Janssen, Private Citizen

Mr. Vital Delasole, Private Citizen

Mr. Carl Wenaas, Private Citizen

Mr. Dave Hall, Private Citizen

Mr. Jonathan Crowe, Private Citizen

Ms. Gale Stechishin, Manitoba Child Care Association

Ms. Christine Burton, Manitoba Child Care Association

Mr. Vaughan Baird, Private Citizen

Mr. Anthony Moreau, Private Citizen

Professor Donald A. Bailey, Private Citizen

Mr. Roy Price, Private Citizen

Mr. Hamish McSteeofain, Private Citizen

Mr. Mohinder Singh Dhillon, The India Association of Winnipeg

Mrs. B. MacKenzie, Private Citizen

7 p.m.

Mr. Douglas Campbell, Private Citizen

Mr. Fred Cameron, Western Independence Party of Manitoba

Ms. Helen G. Christoffersen, Status of Women Equality in Education

Ms. Grace Ivey, Manitoba Advisory Council on the Status of Women

Ms. Michele Pujol, Manitoba Advisory Council on the Status of Women

Mr. Tom Goodman, Private Citizen

Dr. F. P. Doyle, Private Citizen

Mr. W. J. Rettie, Private Citizen

Mr. Harold W. Brown, Private Citizen

Ms. Colleen Wilson, Private Citizen
Mr. Jonas Dubas, Private Citizen
Mr. Patrick McDonnell, Manitoba Intercultural Council
Mr. David Newman, Manitoba Chamber of Commerce
Mr. I. H. Asper, Private Citizen
Mr. Alan Osler, Private Citizen
Mr. Rheal Teffaine, Private Citizen

Matters under consideration:

Public Presentations—Manitoba Task Force on Meech Lake

Mr. Chairman: Good morning, ladies and gentlemen. Welcome to our second hearing of the Task Force on Meech Lake in Winnipeg. We have been on the road for a number of days visiting six communities outside Winnipeg, listening to the views of Manitobans. We are pleased to be back and into a beginning of sessions in Winnipeg, which will go for today, tomorrow and Saturday. Then, because of the very large response we have had in Winnipeg, people who would like to speak to us, we will be probably carrying our hearings forward into the following week on Tuesday, so that we can hear, we hope, some 200 people in the city who still remain to be heard on the subject of Meech Lake.

* (1005)

As you, I think, know by now, our purpose is to listen to the citizens of Manitoba. We are most anxious to hear your views on the subject of the constitutional amendments as proposed in the Meech Lake Accord. The rules for presenters are very simple. A 20-minute time limit is imposed on your oral presentation. A bell will ring after 15 minutes which indicates you have five minutes left. At the second bell, we would ask you to gracefully draw your presentation to its conclusion. Then there will be 10 minutes allowed for questions by Members of the Task Force.

Now, ladies and gentlemen, there is no need for you to go the full 20 minutes in that we have almost 50 people lined up to speak today, which if you did your mathematical calculations would mean we need 25 hours in this day. We are obviously counting on some of our good presenters to be very mindful of the old adage, that brevity is the soul of wit, but you are entitled to your 20 minutes. Of course, if that is the time that you need, you will have it.

I would like to indicate to you that simultaneous translation, English-French, will be available. We are having a technical problem at the moment, but in about 15 minutes time we expect to solve that.

The proceedings will be interpreted in sign language for those who have the need thereof. There are also hearing amplification devices available. Child care is provided in this building.

I would ask anyone who has briefs in the written form if you would be kind enough, please, to pass those to

Ms. Greschuk who is moving behind me now. You will see her just here on my right. If you could pass those briefs to her as soon as possible, then it will save us time as we go through the proceedings. So, if you are presenting later and you have your briefs ready now, if you would give them to Ms. Greschuk, I would be most grateful. There is another entrance to this room up through here, and you could move in through there and pass them to her.

* (1010)

Before we begin, I would with pleasure like to introduce the Members of the Task Force to you. May I, quite perhaps improperly, start with myself before I forget that I am here. I am Wally Fox-Decent, Chair, and I will introduce first the Party Leaders to you who are present. I will start with the senior Minister, then Party Leaders, and then we will introduce ultimately all the Members of the Task Force. I will ask them to rise and be recognized as I introduce them.

First, with pleasure, the Honourable Jim McCrae, Attorney General of Manitoba; next, Mrs. Sharon Carstairs, Leader of the Liberal Party in Manitoba; next, Mr. Gary Doer, Leader of the New Democratic Party in Manitoba; next and very new to Cabinet, and I'm sure we all share the pleasure at her appointment, the Honourable Gerrie Hammond, Minister of Labour, Minister for the Status of Women, Minister of Workplace Safety and Health—I won't give you the long title for long, Gerrie, but since you're so new we'll get it all in there; and next, the Deputy Leader of the Liberal Party, Mr. Jim Carr; and finally, Mr. Harold Gilleshammer, who is the Member of the Legislative Assembly for Minnedosa, Conservative Member.

Ladies and gentlemen, we're ready for our first presenter and I call on Ms. Ruby Reske-Naurocki. I show you as Private Citizen, Ms. Reske-Naurocki. Is that correct? Thank you. Please proceed when you're ready.

Ms. Ruby Reske-Naurocki (Private Citizen): Good morning. First of all, I'd like to say thank you very much for the opportunity to speak. I really appreciate this process that you're going through. I think a lot of people do. In a world now where there are countries where people are imprisoned for speaking their piece, where their lives are taken, where they are being tortured, their children are being taken, we live in a country with a democracy and I really appreciate this process.

I'd just like to call your attention to the portraits here on the wall. As I was sitting and waiting and looking at all these distinguished gentlemen, I wished there would be a few women up there. That's something I'm concerned about as well as this democratic process.

My name is Ruby Reske-Naurocki. My presentation, if you'll notice, is written in a poem form and I'd like to read it to you now.

I am a Canadian
a farmer
a poet
a wife
a mother of two small daughters

I am not a lawyer
nor am I a politician
but I do know
right from wrong
and it is wrong
of 11 men to go behind closed doors
and take it upon themselves
to amend the Constitution of Canada

according to their amendment
some of us are included
others are included
only if there is unanimous consent
some of us can opt in
others can opt out
and some of us are guaranteed rights
while others are not

how will this amendment of theirs
affect us as a people

the Yukon and the Northwest Territories
will be denied provincehood

some provinces will have a day care program
others will not
some will have Medicare
others will not
some will have agricultural stabilization programs
others will not
and all Canadians
will be guaranteed unequal access to services

and because it does not guarantee the rights of
all Canadians
it does not guarantee services to all Canadians
and it affects the future role
of women, minorities
the elderly and the disabled
in the home
in the community
in board rooms
and at the bargaining table

this 11-man amendment
would take precedence
in our priorities
our agendas
our resource allocations
and in our courts
and its implications will be felt by our children
their children
and their children's children

the Meech Lake Accord
divides us like a garment
into haves and have nots
what's next
townships for some
and passbooks for others
what kind of democracy is this
is this what our grandparents came to this
country for
to live to see their grandchildren
suffer from the same discrimination
and injustice they suffered from
in the old country
is this the kind of democracy

people gave their lives and limbs for
in the war to end all wars
is this the kind of democracy we want for our
children
indeed is this democracy
or a collaboration of treason

* (1015)

the Meech Lake Accord
is a disgrace to democracy
a grave injustice to its people
for a house divided cannot stand
and if democracy is to be real in this country
our Constitution must guarantee the rights
of all its people
it must prohibit discrimination
on the basis of race
national or ethnic origin
colour, religion, sex, age
and mental or physical disability
such are the words of the Canadian Charter
of Rights and Freedoms
a Charter like no other in the world
one that promises full citizenship to all its people
one that is already a part of our Constitution
why then should we take a step backward
and relinquish such a Charter
with this 11-man amendment?
no
if our house is to stand firm
the wrongs of this Meech Lake Accord
must be made right
so that all Canadians are guaranteed
equal access to equal services
across this country
for there can be no justice
without equality
and there is no equality
in the Meech Lake Accord
as it is written

you have taken an honourable stand
you have not followed like sheep
you stand alone
you are our hope
stand steadfast then
and fight like you have never fought before
and let nothing in the Meech Lake Accord
abrogate or derogate
from any of the rights and freedoms
in the Canadian Charter of Rights and Freedoms
for it must take precedence
if our people are to live in a real democracy
with dignity and justice.

Thank you.

Mr. Chairman: Thank you. Any questions from the Task Force? Thank you very much Ms. Reske-Naurocki.

Ms. Reske-Naurocki: Thank you very much.

Mr. Chairman: Our second presenter, Ms. Shelly Adey. Good morning.

Ms. Shelly Adey (Private Citizen): Good morning. My name is Shelly Adey. I am a single mother of four

children. I live in Beausejour, Manitoba. I'm glad to be here this morning, but I would like to point out a difficulty I found with this process.

Several months back, the Women's Initiative was held, and it was held right across Manitoba. It did come to Beausejour and it came to many small communities. As a mother on social assistance, the simple act of attempting to come to Winnipeg is costly and difficult for me, and I think costly and difficult for many other people as well.

The Women's Initiative, in my opinion, was totally unnecessary. We already knew what the status of women was. We already knew how Canadian women felt about those issues, and we already have in our hands 1,000 ways in which we can address that particular injustice. Meech Lake is something new and something we're just beginning to discuss, debate and think about. I really wish that this particular process had taken place in our smaller communities, not only because of the difficulty in coming to Winnipeg but also because of this. The women who I have coffee with, the women who attend church meetings with me, the women who I go to aerobics with would no more feel comfortable here than they would in a men's club. It's not a comfortable place to be, but I am glad to be here and hopefully speak on behalf of some of those women.

My presentation was written yesterday, directly on the typewriter. I was babysitting a two year old. I did it between taking some stuff from Canadian parents for French to the elementary school and then I came home and made lunch for my four year old. I also did some work on a group that does alcohol awareness stuff. I have Beavers, Brownies and aerobics and everything else. So I want you to appreciate it is not as eloquent as I would have liked it to have been or as thorough, but that's the best I could do.

The third thing I want to mention before I begin is that I object very strongly to the Meech Lake Accord. I want to make it very clear that is not an anti-French position on my part. I have three children in French immersion. I think bilingualism is one of our most precious things we could develop and promote in this country and so, when I do criticize this Accord, it is not from a place of being anti-French at all, quite the opposite.

* (1020)

I am just going to read it as is. I am here to express some of my views and feelings on the Meech Lake Accord as an individual. I am a citizen, mother of four, interested in the quality of my country for myself, my family and my neighbours. I hold a deep love of diversity, even given the conflict it often gives rise to and, therefore, care very much that the cultural, social and linguistic diversity that exists in our country remains and is preserved and nourished. It is also of particular concern to me to ensure that all forms of bigotry be aggressively identified and that discrimination be clearly unconstitutional. It is from this base of caring that this presentation is made.

This is not a research paper. As a single mother and an active member of my community, it would be quite

impossible to be an expert in every issue of vital concern in the political arena. I have looked toward news reports, commentators, magazine articles, writers, and the views of those I know and can trust, to help me develop my feelings. I have utilized these sources, as I would a plumber to repair my plumbing, a doctor to advise me on health matters, or a lawyer to represent me in a legal matter. I will not attempt to outline arguments to support my feelings on each of the matters I raise, as there are experts making presentations to you who can do so perfectly well. I will simply list those areas of concern to me, state why, and let you add me to the list of supporters to those more detailed briefs addressing each of these concerns:

1. I believe that Quebec has an important, separate and distinct place in our history, our present and our future. I believe this is a good thing, should remain, and should be protected. While Quebec has agreed to this Accord, it is becoming less clear to me all the time whether the interests of Quebec clearly are protected, and more clear to me that other sectors of the country are being asked to forfeit their interests in order to bring Quebec in.

I don't believe the people, the working people of Quebec, would want this any more than I do. While there is an important place for give-and-take compromising, the issues involved in constitutional amendments is not that place. No one should be giving up even the slightest basic right in order to make that happen. Instead, the deadlocks in debate should be reexamined from the bottom. I am referring here to the implications of the "distinct society" concept and its obvious exclusion of our equally, if not more deserving, aboriginal peoples.

It appears here also that this concept led to the opting-out clause, a fine example of a method by which some of our best programs (present and future) could be destroyed.

2. I am adamant in my concern that the aboriginal people of Canada get the issues of land claims and self-government dealt with. No amendment should be addressing the distinct cultures of one group of peoples within Canada without clearly outlining and making provisions for this shameful gap in the development of our country.
3. It appears quite unanimous by most groups speaking out against this Accord that the rights and freedoms guaranteed in the Charter of Rights will be compromised. This area is well researched and I add my support to those groups who have documented their reasons for objecting to the Accord on this matter.

I just would lend my support to the Advisory Council's brief that will be presented later today.

4. The opting out of national cost-sharing schemes allowance that has been incorporated into the agreement is something

I strongly object to. Having been raised for my first 20 years in a country lacking universal medical care, I can't express the fear this possibility creates in me. I have seen young people and old people go without the care they require, and I have seen quality care only for the rich. We must make absolutely sure that those programs we feel are fundamental rights, be they medical care, education or possible future additions, such as child care, are protected, and that when they are developed that they are applied equally across this country to all citizens, no matter what province they live in.

* (1025)

The long-term implications are not yet known due to the vagueness of such terms as "national objective" and "compatible." I see many years of strife and bitter struggle over interpretation ahead of us if these things are not made clear at the outset. Like most such legal battles, individual people will be the losers during the time these issues are being debated.

5. I am also extremely worried about the veto power inherent in the requirement that all provinces must be unanimous in accepting changes to such things as the Senate, Supreme Court, creation of new provinces. It is naive not to think that some provinces have a vested interest in a somewhat selfish approach to federal matters. The "haves" rarely, if ever, accept responsibility for the "have nots" unless they are forced to. Such a veto power makes discussion between the Yukon, the Northwest Territories, Canada and the provinces unwieldy and unfair.

The more I learn about the Meech Lake Accord, the more sure I am that it is a document too riddled with errors in philosophy, gaps, vague language, and even intent to consider as a constitutional amendment. The seriousness of changing our Constitution can never be downplayed. It is an event that the entire nation should be involved in. It should proceed slowly, methodically, and flexibly. It requires that we reteach our populace the importance of participation if we are to preserve a true democratic structure in our country. It is not a process in which anything should take place behind closed doors. There should be no hidden intent. Policy makers are often frustrated by the lack of knowledge, the naivety of the general public or the laypeople, but fault often rests behind closed doors.

The functioning of our democratic systems, the protection of our rights and freedoms, is not something to be approached or managed like a business or corporation. I really want to make this point clear. The foundation of a marriage is a moral foundation, not an economic one, not a business one. I think the foundation of our country, our Constitution, is a moral foundation, and we must not approach our Governments as if they are businesses. It is something to be run like a well-functioning family. Love, concern for the rights of individuals, with recognition and protection of the unit

itself, is paramount. Appreciation for the special gifts of each member, recognition of handicaps and needs of each member, an understanding of the effects of each member's activities on the others, and the desire for equal distribution of the benefits and responsibilities involved in maintaining our health as a nation of people must be our top priority.

Why do I feel that the Meech Lake Accord has become a contest, a test of wills? Why do I feel that someone—and I don't think it's Quebec—is pushing to get me to agree? We aren't selling something here, we are building something. Our approach must not be to be on the winning side, to coerce others to agree, or to convince someone of something they aren't sure about. Our goal should be to truly listen to one another long enough, openly enough, creatively enough, and cooperatively enough until solutions which truly reflect the needs and special characteristics of this country are developed. If that does not happen, we are best to simply wait and try again later.

I believe we should scrap the Meech Lake Accord. I believe we should develop a thorough system by which to approach constitutional amendments. I believe we should begin again, recognizing that even Accords, like first pancakes, are sometimes better thrown out than eaten. Thank you.

Mr. Chairman: Thank you, Ms. Adey. Any questions? Thanks again.

Our next presenter, Mr. Patrick Riley. While Mr. Riley is getting settled, ladies and gentlemen, the simultaneous translation is now working. There are headsets at the back of the room and, whether it's French-English or English-French, you use Channel 4.

Mr. G. Patrick S. Riley (Private Citizen): Sir, good morning.

Mr. Chairman: Good morning.

* (1030)

Mr. Riley: Thank you for the opportunity to present my views on the Accord. I would like to compliment the previous two presenters on their very eloquent presentations. I share a lot of the values they expressed. Unfortunately, I don't come to the same conclusions on the Accord.

Before explaining why I do support the Accord, I want to give you a little bit of my own personal background so you can understand how I came to this position. I grew up in Manitoba during the time of Lester Pearson and Pierre Trudeau and I shared with them the view of a bilingual Canada and a multicultural Canada. I guess I prefer Mr. Pearson's accommodationist approach to Quebec to Mr. Trudeau's confrontational approach, but I can appreciate that Mr. Trudeau's approach was necessary at a time when we were facing an overt separatist threat. As a result of growing up in those times, I felt a duty to become bilingual and I felt very ashamed, after 12 years of school, I couldn't speak in a conversation.

So eventually I went to Montreal and I lived there for awhile and I worked and I tried to learn French.

and did so, mainly because I wanted to be able to argue with separatists in their own language. I don't think you can tell people that you don't want to assimilate them in English. So I tried to learn French and tried to be a good Canadian in that way.

Eventually I returned here and went to law school. After my first year of law, I had the opportunity of going to Quebec City in the summer of 1974 and studying civil law. I had the opportunity as well of being there when they were debating Bill 22, which is the first official language Act of Quebec. I was in all the bars, talking to these people and saying to them, well—in French—we're not like the Americans, we're not going to try to assimilate you. We are not going to make you be 100 percent Canadian. We are not going to make you salute the flag, we are not like the Americans. I don't know whether I convinced anybody but I was trying to be, if you like, a good ambassador for Manitoba.

I came back here afterwards and I had an interest then in language law and I did a paper, which was eventually published, on the official language Act of Quebec as it then was, supporting it actually, and pointing out that what they were doing was something that Manitoba had done in 1890 and had not been brought up short on that yet. Now, that was somewhat prescient perhaps of me because later we got into a little bit of a problem on that area.

In 1976, I articulated with Legal Aid (Manitoba) in their St. Boniface office and, as I was the only person there who spoke French, I had a lot of clients who spoke only French as well. I saw people lose their marriages, their children and their homes and their liberty to people in processes that they couldn't understand a word of what was being said. I represented unilingual Francophones in front of our courts when the judges didn't speak a word of French. The one time the judge did speak French to my clients, he informed, thinking he was doing a big favour to the client, told somebody who had just been sentenced to six months in jail that he had been sentenced to six years in jail. I had to straighten him out pretty quickly on that.

So I saw a lot of misery being created by our own failure to observe The Manitoba Act, which gave the right to address the courts in French and, of course, matters of credibility, when they are filtered through an interpreter, you have a great disadvantage.

Of course, in 1982, the Constitution was repatriated and the Charter of Rights established in Canada, which I fully support, but really without Quebec's formal and, I think, meaningful consent. Albeit that their representatives on the House of Commons did agree, there is a sense in my mind that Quebec really did not consent to that. Now I know there are different views on that.

Then later we experienced in Manitoba the French language debate, and I think virtually everybody involved in that debate now would probably want to have gone back to the original settlement in light of what happened in the Supreme Court, and I am afraid I see a parallel in that case to the one that is happening now. We send off a Crown Minister, albeit without any

previous authority or approval of the Legislature or the people, went and settled a legal dispute—and as a lawyer, I settle legal disputes all the time, I have some knowledge of that—came back here and tried to get ratification of that settlement. It was turned down because the population was convinced that it was a negative thing.

I think similarly that's what's happening now. Now, you can probably break down the analogy yourselves and say it doesn't hold up, but I am worried that we are going to be stampeded, if you like, into avoiding a good thing out of fear, and I don't think that is correct.

So, I actually kind of felt personally ashamed and embarrassed by that whole debate. I think Manitobans had their reputations unduly harmed. I think we got portrayed as some kind of rednecks which is, I think, totally inaccurate. I think we're good Canadians. We're positive Canadians. We're not negative Canadians. I think that as a result of that whole scenario, we got tarred with a brush, which is incorrect. I don't want to see that happen again, basically.

So when the Meech Lake Accord was first announced, my initial reaction was negative, frankly. I agree with everybody who complains about the closed-door process of the thing. For reasons of both process and personality, frankly, I was very suspicious of it, but I didn't pay much attention to it until I watched with some astonishment as the Accord was ratified by eight provincial Legislatures and the House of Commons, with the support of all three political Parties. I didn't actually think that was going to happen. Then I thought to myself, here we are in the summer of 1988 and I could see that Manitoba was basically going into the constitutional soup again. It was either going to be, who was going to kill Meech Lake? Was it going to be New Brunswick or Manitoba? I was afraid it was going to end up being Manitoba in the end. Once again, we're going to be labelled by the rest of the country as being a bunch of spoilsports, or whatever you want to call us.

So I decided to spend some time investigating Meech Lake and seeing whether it was worthy of support or worthy of condemnation. Basically, I believe if there was a serious danger in the Accord all nine other Governments had missed or ignored, we have a duty to stop that Accord. I agree with that, absolutely. We shouldn't just be "yes-men" or "yes-women," if you want to put it that way.

If there is a danger in this Accord that everybody else has somehow overlooked, Manitoba does have a duty to stop it, I agree with that. In the absence of such a demonstrable danger, I also believe Manitoba has an obligation at this point in the process to be a good team player and a good partner in Confederation. We shouldn't frustrate this deal unless it's clearly dangerous and unacceptable.

Effectively, we're going to be asked to jilt Quebec at the altar, and it's going to be a big insult to them. I think that's what is going to happen. Frankly, I'm pessimistic about the Accord. I don't think that changes, frankly, will be accepted by Quebec, and I think we'll have to start all over again. A lot of people would say

that is a good idea. I just implore you, in the reasons that we give to Quebec, for refusing not to be too insulting to them. I'll explain what I mean by that later. Anyway, my investigation included reading Professor Schwartz's very excellent and fair-minded book on Meech Lake, but it didn't scare me. It didn't leave me with the feeling the Accord had those dangers in it. I'll quote him as my authority on most of the points I'm going to make from now on. That's basically where I come from on this whole approach.

So I'll deal with some of the questions that have been raised. The "distinct society" clause is the first one. I have to admit it does create a form of special status for Quebec. I don't think you can fudge that. It does, and people who object on principle to any kind of special status to Quebec will of course have to reject the Accord for that reason alone. I think the purpose is to give Quebec a sense of security in Canada, a sense that we're not going to assimilate them. We're not going to use our majority status to harm them or to channel them into some area they don't want to go. I think it reflects historical and current reality.

Since 1774, Quebec has had special status on this continent. I think this is a reasonable kind of special status to give to Quebec. It's meant as a welcome home, and I would ask that we not turn it into sort of an allegiance test where everybody has to stand up, like in the United States, and swear to the flag.

What we are trying to do here is satisfy nationalists and outflank the separatists. There's a distinction between nationalists and separatists in Quebec. You cannot convince separatists of anything. They are fixed, but the nationalists we can bring into Canada and make full partners, as long as we don't make the union the marriage, if you like, too tight.

I don't think the "distinct society" clause does threaten women's rights. Neither does Professor Schwartz and neither does Pierre Trudeau. You can dismiss that as the opinion of men, but I'm not aware of any Quebec women's group which has opposed this Accord. I think that's very significant. Why is it the people of Manitoba have to protect the women of Quebec when they are not asking for our protection?

* (1040)

I have yet to hear anybody really explain to me what it is the distinct society will do to women. The only, I thought, somewhat unlikely explanation I have had is that somehow they're going to make women have babies. That's just totally unrealistic. I'd like to have somebody explain to me exactly what is going to be done under this "distinct society" clause to harm women's rights. If you're going to be concerned, as somebody I read in the paper said, you should be concerned about the multicultural provision in the Charter of Rights, where it says the Charter should be interpreted in accordance with multicultural heritage. Somebody said, does that mean that men from countries where the macho ethic prevails are going to be allowed to beat women in Canada? Of course not.

Similarly, I don't think there is any real threat the "distinct society" clause will harm women's rights. It's

curious the people that seem to be most familiar with Quebec, the national politicians and the people in Quebec themselves, Clifford Lincoln, Royal Orr, the Anglophones, they all support this deal. It's the people who are farthest from Quebec and appear to have the least familiarity with its society that are opposed to it. Now I am curious about that. Why is that?

Like Professor Schwartz in his book, I don't believe Mr. Bourassa's claim that the "distinct society" clause will affect freedom of expression and Anglophone rights is correct. I don't believe he'll get a court to say he can just use the "distinct society" clause to take away rights. Just on that one point, I am not a supporter of what Mr. Bourassa did in Bill 178. I think it was unnecessary and undesirable, but we should realize that wasn't—it's been portrayed and blown up in the media as a bigger restriction of rights than it really was. It's a restriction on the rights of commercial organizations to advertise. It's not a restriction on individual expression. I still don't like it. I'm not saying that but I can understand.

When I lived in Montreal in 1974, only one-third of the population was English speaking, but it was very, very hard to find a French billboard or even a bilingual billboard. They were all in English because the decisions were made in New York and Toronto as to how to advertise in Quebec. They insulted the majority for so long that now we're having an unreasonable backlash by that majority. I don't agree that it's correct but I understand why emotionally they have a very hard time seeing English go back on the signs. I would have preferred the Supreme Court decision, but I don't think it's as bad as has been portrayed.

So, if you want to oppose the Accord because we are a "have-not" province and it decentralizes Canada, that's a rational position for Manitoba to take. I can understand that feeling, but I don't think we should ride to the rescue of Anglophones or women in Quebec when they haven't asked for our help. I think that's being a busybody, frankly. I can appreciate the concern people have, but I'd like to hear those concerns from the people who are actually going to be affected, not from people who aren't going to be affected by the "distinct society" clause. Anyway, that's on the "distinct society" clause.

On spending power and the shared-cost programs, I have a certain familiarity with that because I've been doing welfare law since about 1974, and I got involved in the Canada Assistance Plan. In fact, they're trying to make the Manitoba Government observe those national standards which they are so keen on preserving or protecting from Meech Lake. So there is a little inconsistency there. They want national standards but then they want to avoid them when they are in the Canada Assistance Plan. It's a very restricted clause. You have to understand it's only for programs which come into effect after the Accord is brought into effect. It only affects shared-cost programs. It doesn't affect direct grants to anybody.

There's concern about the wording as to whether its national objective is compatible, etc., all those wordings are tough enough. Let's just take day care, because everybody is saying, we can't have a national day care

program. I am not going to on that issue use such a sexist word as "grandfather," but it's "grandparented" under the Meech Lake Accord. Under the Canada Assistance Plan, there is a shared-cost program now for day care, 50 cents of every dollar for day care that the provinces spend is now cost-shared.

So after Meech Lake, you can send direct grants to parents to assist them in purchasing day care. You can even open up "day care Canada" on each street corner in the country, if you want, like Petro-Canada. That will not be affected by Meech Lake. All it's saying is if you're going to take a separate shared cost, a new shared-cost program in an area of exclusive provincial jurisdiction, you have to let us set up a parallel program which is compatible. Now, you say, well it's not very good wording. It really amounts to political will. If you give me the right to draft the legislation, I can tell you we can get an enforceable court standard which you can enforce and, in fact, through the case I was involved with, Findlay, you can let the intended beneficiaries of that shared-cost program enforce it for you, but if there's no political will to establish national shared-cost programs, then it won't happen anyway.

I'll speed up a bit here. On the unanimity rule regarding amendments, this goes to the question of security. Should we be able to take away Quebec's representation in the House of Commons? Should we be able to dilute its representation in the Senate? Should we be able to affect its representation on the Supreme Court? Does that give them a sense of security, if we reserve the right as a majority to override them and to take away their protections? I think not.

I think the sense of security is given by allowing them a veto. Now you can say, why should P.E.I. have a veto? That's a good argument but why we should be able to take 25 percent of our population, a major segment, and say to you, all right, from now on your representation in the Senate is cut. I don't think that's correct. I think it creates a sense of insecurity in Quebec to think that we reserve to ourselves the right as a majority to take away their protections.

I won't go into all the Senate. We're a little short on time here so I'm going to speed it up here.

I did want to speak about aboriginal rights because that's something I'm concerned about as well. I've represented lots of Native people and I've been to reserves and I've helped them on their welfare fights and seen them through their criminal proceedings. I'd like to see improved aboriginal rights, but you can't solve all the problems at once. This Accord is attempting to solve the question of what does Quebec want and I don't think it adversely affects aboriginal rights. There's an express exemption in the Accord to that effect.

I'd like to see progress on aboriginal rights but I don't think we can wait until we solve all the problems at once. You have to break the problems up and solve them one by one, and so I don't see that this provision in the Meech Lake Accord will hold back necessarily aboriginal rights.

Just returning briefly to the Senate, I just don't see how we can ever have an equal Senate. I mean, that

basically reduces Quebec from almost one-third representation to one-tenth. Why would they ever agree to that? I don't see that Quebec will ever do that.

Anyway, just to sum up, I think probably it's going to end up, especially with the Newfoundland election results, that the Accord will not be ratified and, as I say, if you can think of a way to express your objections to the Accord in a way which is as unobnoxious to Quebec as possible, don't tell them that you think they're going to make all women have babies to bring up the birth rate. I mean, that's just an insult. There are other ways of expressing this that can keep the family together without that kind of ill feeling. Thank you very much.

Mr. Chairman: Thank you, sir. There are some questions from the Task Force. Mrs. Carstairs.

Mrs. Sharon Carstairs (Member for River Heights): Thank you, Mr. Chairman. I thank Mr. Riley for his brief and I thank him also for the injunction to be reasonable in our objections to the Meech Lake Accord. I think that's exactly what this committee intends and wants to do, but I'd like to ask you some specific things.

With regard to that, do you think it's reasonable to ask for a non-derogation clause on distinct society? I know that you feel that there is no jeopardy of rights but Mr. Schwartz does not agree with you, despite your presentation, and made it very clear in his presentation that he does believe that there should be a qualification to the "distinct society" clause. Do you think that's reasonable to say, that there should be a non-derogation clause with regard to distinct society?

Mr. Riley: Okay. Well, Professor Schwartz may have hardened up his position. I can quote the sections of his book where I'm relying on. He may have hardened his position. I'll accept that. I didn't hear his presentation.

Well, you know, there is already the ability in every other province to override rights. Why does Quebec have to have a special injunction not to override rights? That's the question I'm worried about. Every other province is totally free, as Saskatchewan did, to override individual rights and nobody complained about it, so it'd be nice to make the Accord perfect and so on, but I just don't see the need of it. I think it does end up being insulting because you're saying you need to have a special kind of control on you, Quebec, to avoid affecting individual rights, whereas every other province in the country through the notwithstanding clause, which I have a lot of problems with myself, can do that with impunity. So I don't see why Quebec has to be singled out, Mrs. Carstairs, on that point.

Mrs. Carstairs: Just to further go along with that one question, by your own definition, you have said you have given them special status.

Mr. Riley: That's right.

Mrs. Carstairs: Do you not think then it is incumbent to limit that special status within the confines of the Charter of Rights and Freedoms?

* (1050)

Mr. Riley: Well, if I thought that the Charter was really threatened by that, I would probably agree with you but I just don't accept that. So that's fine. That's where we part company, I think.

Mr. Gary Doer (Member for Concordia): Thank you very much on your presentation. Mr. Riley, you mentioned that you respected the people of Quebec in terms of the Quebec issues. I was wondering how that would translate to the Yukon and the Northwest Territories, where clearly the aboriginal people and the people of the Yukon and Northwest Territories are saying, please do not put us in this unanimous strait-jacket. We will never be able to meet our future aspirations to be provinces. And, therefore, is that not worthy of an amendment to improve the Accord in terms of their aspirations?

Mr. Riley: Okay, as I understand it now, Mr. Doer, the federal Government can create provinces itself. I may be incorrect on that.

Mr. Doer: Seven out of 10 with the federal.

Mr. Riley: The problem is this, from Quebec's perspective if we can add two more partners to the partnership, if you like, without their consent, that again is a security issue. I would like eventually to see province status for the Northwest Territories and the Yukon, and I think that would be very beneficial to them, but if you look at their percentage populations now—I think they are even less than P.E.I.—and I don't know whether that's an immediate prospect because of the demographic situation. I think really, when you bring new partners into a partnership—I am in a partnership myself—you have got to have a kind of pretty close to unanimous consent to have people create new partners, so I don't see that as objectionable. We work on consensus in Canada, not I hope confrontation and imposed solutions, so I don't object to that myself, personally.

Mr. Doer: Just a supplementary on that, Manitoba joined with the consent of the federal Government. The latest province, Newfoundland, joined with the consent of the federal Government. The Premier of Quebec told me that—I've said it on the record—why should we give away our resources to them. Don't you believe that the new requirement of Meech Lake, with the 10 out of 10 provision, will indeed impede their ability to become provinces in terms of meeting the aspirations of their people. Shouldn't we listen to their calls for help to allow essentially aboriginal people in the future to take leadership positions as Premiers in new provinces some time in the future.

Mr. Riley: Well, I would have to admit that it would make it more difficult. I mean, that is obvious. I am not going to fudge that, but I think it has to be that difficult. I think it's a very important change in Confederation and I don't think you can impose that on Quebec. That's the basic problem where I feel—so I accept that it would make it more difficult, but I

think we have to have at least Quebec's consent before bringing new partners into Confederation because it is going to dilute their power.

Mr. Chairman: Other questions? Mr. Carr.

Mr. James Carr (Member for Fort Rouge): Mr. Chairman sometimes has a difficulty distinguishing me from the Attorney General.

Mr. Riley: Don't grow a moustache.

Mr. Carr: Pardon me.

Mr. Riley: Don't grow a moustache.

Mr. Carr: I just want to ask a question. Mr. Riley, you talk about this round is the Quebec round, and what we are doing here is answering the question: What does Quebec want? We have set aside for the second round the question: What does the West want, or what does Atlantic Canada want? But at the same time we are changing the rules of the game, and one of the ways that we are changing the rules is to impose an amending formula that relates directly to the No. 1 item on the West's agenda. That is Senate reform. In the interests of reasonableness and fairness, wouldn't it make sense to have the same rules for the Quebec round as for the western and Atlantic round?

Mr. Riley: When we have unanimous consent of all the provinces to bring in the Accord, is that what you are saying?

Mr. Carr: No, I am saying that in order to reform the Senate, which is on top of the western agenda, you will require all 10 provinces and the federal Government.

Mr. Riley: Well, it is my understanding, yes, that is what is going to happen if Meech Lake goes through, that's correct. I'm sorry I don't understand your question.

Mr. Carr: The question is, why shouldn't we try to answer the question: What does the West want in the same constitutional round?

Mr. Riley: Okay, I didn't see the western provinces objecting to the Meech Lake Accord until very recently. First of all, I mean, the Senate's provisions were apparently put in at the request of the Alberta Premier, so I don't see that this is being imposed on the western Premiers certainly, because they were accepting the Meech Lake Accord up until recently. So, I certainly would support an elected Senate. I don't think an equal Senate is ever going to happen in Canada. I think the benefit of having provincial input into the decision-making is that it gives senators a little more legitimacy. They are no longer political appointees of the federal Government, the Party in power. They are more genuine representatives of their provinces, and so I see that as a half-way step toward elected senators, which I think may be sold in Quebec, but I don't think you are ever going to sell to Quebec that they should give up their 25 percent to 30 percent share in the Senate for 10 percent. That will never happen.

Hon. James McCrae (Member for Brandon West): Mr. Riley, thank you for your thoughtful and patriotic presentation. You did talk about how you felt the "distinct society" clause does not have an effect on equality rights and, in addition, why should we go to bat for Quebec when Quebec women are not asking for that. But did you, in your presentation, deal with the suggestion made by a number of presenters about how the present non-derogation clause sets up a hierarchy of rights?

Mr. Riley: Oh I see, yes, because there are certain things that are exempt under the Act, under the Accord.

Mr. McCrae: And the question I have is there are experts, as you know, on both sides of that. How would you be suggesting resolving the doubts so that there's no doubt and so that all the experts agree?

Mr. Riley: Well, of course, you can put in expressly that the Charter of Rights is exempt. Nothing in the "distinct society" clause affects the Charter of Rights. As I understand it, the exemptions for aboriginal rights and multiculturalism are more for the whole Accord, not just the "distinct society" clause. I have to check it again, frankly, to tell you.

I share Professor Schwartz' original view that it was not necessary and that there is no genuine threat to individual rights. It could be argued that the "distinct society" clause had some kind of an impact on aboriginal rights or multiculturalism because those are group rights, rather than individual rights. I think that's the distinction is that if we say that it's a distinct society and they're talking about collective rights, maybe it would affect other collectivities inside Quebec such as aboriginal rights or other multicultural groups. But that's where I would distinguish it. Mainly the Charter of Rights deals with individual rights, and I don't think that is affected by the "distinct society" clause. That's how I distinguished the choice of exempting certain provisions and not all the Charter.

Mr. Chairman: One supplementary.

Mr. McCrae: I understand your point, but I think my question dealt more with process. How are we going to resolve this? This Task Force has heard many, many presentations expressing concern about equality rights.

Mr. Riley: That's fine. I mean, you can obviously state that nothing in the Meech Lake Accord shall affect individual rights. It's a pretty simple drafting exercise. The question is, is it really necessary and will it engender a lot of ill-feeling in Quebec? My feeling is it will. It will be seen as, why are we singled out. When everybody else has got the right to override individual rights, why do we have to have our powers restricted, and why do we have to be told not to do that when nobody else is told not to do that? That's why I don't understand it.

Mr. McCrae: Thank you.

Mr. Chairman: Thanks very much, Mr. Riley. The next presenter, Mr. Wilf Hudson, the Manitoba Federation of Labour, and Ms. Hart.

Mr. Wilf Hudson (Manitoba Federation of Labour): Well, I think we will take up most of our time in reading our brief, and Susan and I will share that this morning.

The Manitoba Federation of Labour, representing some 84,000 unionized members, workers in this province, appreciates the opportunity to express its concerns about the Meech Lake Constitutional Accord.

We welcome the public consultations, not only because we want the opportunity to present our views on the subject, but also believe that any changes to the constitutional structure of our country should come about through a process of intensive public discussion. It should not be the product of closed-door sessions amongst a handful of politicians.

* (1100)

The Constitution of Canada is a social contract, as well as the basic law of the land. In addition to establishing our national institutions, their powers, responsibilities and procedures, and the relationship among them, the Constitution is a pact between citizens and their Government. It represents the sovereign right of a country's citizens to determine their basic rights and freedoms, and to set limits on the exercise of power by Government.

In other words, the determination of the Constitution of any country, if it is a democratic country, must involve the citizens of the country. It must be the product of a social dialogue.

We feel that to reshape the Constitution of our country by reaching a secret agreement and then presenting it to the public as a fait accompli violates the spirit of social dialogue and open democracy which a Constitution must represent. In that sense, the Meech Lake Accord is a contradiction. It represents only a politician's vision of how Canada should be held together, without proper consultation with the people being held together. It may produce a document, but it does not produce a Constitution in the true sense of the word. An attempt to short circuit the political process will ultimately create divisions rather than unity.

By presenting a secretive back room agreement, declaring that only minor technical amendments may be made and conducting perfunctory hearings in the middle of the summer, we feel that the First Ministers have intentionally excluded public participation in any meaningful way. That kind of authoritarian approach to a constitutional change does not make us confident that our rights will be respected if this Accord is adopted.

We would hope that these public hearings represent the first step in a process of widespread consultation, which will see the issues debated amongst all Canadians, and will bring about a constitutional Accord which will truly represent the wishes of Canadians.

The Meech Lake Accord is being considered at a time when Canada is entering a free trade environment. The immediate impact is a series of corporate acquisitions and mergers, designed to rationalize corporate operations and make them more effective in meeting intensified competition. We may debate the

appropriateness of greater corporate concentration and its effect on Canadian industry and jobs without necessarily reaching agreement. But it should be clear to all observers that we are seeing a greater centralization of economic power precisely at a time when the Meech Lake Accord proposes a weakening of central political power.

This could create an entirely new political dynamic in Canada. The long-standing drive for national unity to maintain a strong, unified and independent country north of the 49th Parallel may collapse under the combined pressure of the Free Trade Agreement and the Meech Lake Accord.

Indeed, we need precisely the opposite kind of Accord. The Canadian economy is carved up into corporate spheres of influence. We need a powerful document. We need an agreement between Ottawa and the provinces to pull the country together under a common, social and economic policy in an environment that could well tear us apart.

Instead, we have a devolution of political power from the federal Government to the provinces. The federal Government would be giving up its most effective levers for establishing national policies, be they economic, social or political.

Let us speak of economic policy for a moment. One of the most important areas where federal initiative is crucial for the maintenance of a healthy national economy is in the area of regional disparities. We have a long-standing tradition in Canada of helping the poorer provinces and regions in Canada. This has been accomplished by means of transfer payments by which funds are transferred from the wealthier provinces to the poorer provinces, and by means of regional subsidy programs.

Now we find that transfer payments are already seriously undermined by a federal Government intent on unloading much of its financial responsibility on the provinces. We heard more about that yesterday. In the meantime, regional development programs are called into question by the Free Trade Agreement and stand to be prohibited as illegal subsidies. Now, the Meech Lake Accord proposes removing the last vestiges of federal control over the national economy by allowing provinces to go their own separate ways without fear of interference from Ottawa.

National Programs: The federal power is the principal lever of national policy. It is highly flexible and can be used to create flexible national programs which respond to the needs of different regions of the country. The greatest needs at the present time are for strong federal programs in the areas of medical care, skills training and post-secondary education, environmental protection and child care.

The opting-out provision of the Meech Lake Accord seriously compromises the federal spending power by enabling any province to opt out of shared-cost programs and be financially compensated for doing so. All a province must do is proclaim that it is carrying on a program of its own which is "compatible with the national objectives" and Ottawa cannot withhold federal spending.

The maintenance of cooperative programs and national standards in areas ranging from environmental protection to child care programs will become that much more difficult at a time when greater cooperation and improved standards are urgently needed in many of these areas.

Since the provinces would be allowed to maintain their own separate programs without financial disincentive, the question of compatibility, what constitutes compatibility with national objectives, will become a hot political issue. Governments will attempt to gain political leverage by asserting their own interpretations of the criteria for compatibility, but it will ultimately have to be taken to the courts for criteria to be established.

In other words, the question will ultimately be decided in the Supreme Court. Political decision will be transferred to an unelected judiciary. The Supreme Court will end up deciding on the nature of our social security policies, employment policies, child care and environmental policies. Like the constitutional Accord itself, these kinds of policies should be decided by public debate, not back room decisions.

The end result is a decline in public accountability. Politicians will be able to evade responsibility by passing the buck to the courts, and the chain of accountability which links the taxing power and the spending powers of Government will be broken. One level of Government will be doing the taxation and handing over the funds to another level of Government to do the spending. Who will be responsible for ensuring that provincial programs are run well enough to merit the funds?

The loss of an effective federal Government voice and serious reduction of central coordination power bodes poorly for national programs in the future.

I now ask Susan to carry on.

Ms. Susan Hart (Manitoba Federation of Labour): We must express our opposition to the proposed changes in the constitutional amending formula which would require the unanimous consent of all provinces for the inclusion of any new province. In practice, giving a veto to every province makes it virtually impossible for the Yukon or the Northwest Territories to achieve provincial status. Ten Premiers may have unanimously agreed on the original text of the Meech Lake Accord, but that was induced by a massive giveaway of federal powers. Neither the Yukon nor the Territories have anything comparable to offer the provinces to induce them to withhold their veto. It just takes one Premier with designs on northern resources but who does not wish to negotiate with an equal, to block unanimity and prevent them from achieving provincial status.

If this kind of amending formula had existed in previous decades, opposition by other provinces to provincial status for Manitoba, Saskatchewan and Alberta would have resulted in the entire prairie region remaining part of the Northwest Territories. Fortunately, the federal Government at that time was empowered to create new provinces without consulting the existing provinces. That was amended in 1982 to require consent by seven provinces representing at least 50 percent

of the population. There are some, like former Supreme Court Justice Thomas Berger, who feel that the 1982 amendment made it excessively difficult to incorporate new provinces. Now, with the approval of all 10 provinces required if the Meech Lake Accord is approved, it becomes virtually impossible.

The Native issue cannot be ignored. Aboriginal people have been struggling for self-determination for many decades. They are, to a large extent, excluded from full participation in the mainstream of society and many of them are relegated to infertile and inhospitable regions in northern Canada. In order for them to maintain their own culture and society and develop their own self-reliant economic base, they need to achieve a greater level of self-determination, especially in the North. But this is made impossible by their inferior geographic status as mere territories, subservient to the needs and dictates of provincial and federal Governments.

* (1110)

It accomplishes little for the Accord to recognize the minority rights of aboriginal people as a multicultural issue, if at the same time it takes away the most practical means of exerting those rights, namely, the prospect of achieving provincial status in the North.

We are also greatly concerned about the proposed changes to the procedure for choosing Supreme Court judges. If future appointments are limited to lists put forward by provincial Governments, there will be several undesirable consequences.

The tradition has been for Supreme Court of Canada appointments to be made on the basis of merit, taking into consideration the need for regional balance. The federal Government, being the only institution in the country which is in a position to make appointments on this basis, has upheld this tradition well.

The selection of judges from provincial lists, however, would change the nature of the process. Provincial Governments would be concerned with assuring that provincial needs are met first and foremost. Candidates who are inclined to consider the larger national issues, and not just promote provincial interests, may be viewed unfavourably. The Supreme Court could gradually change from an instrument of national policy and national unity, providing a common standard of justice across this country, to an instrument of provincial patronage and a defender of provincial rights.

In addition, disputes may arise between the federal and provincial Governments. If the federal Government refuses to select candidates proposed by a province, the province may refuse to submit a new list. In this way, a separatist Government in Quebec, or the Prairies for that matter, would have an easy means of opting out of the federal judicial system.

We would like to add one more point relating to the previous section of our brief. There is no provision for selecting judges from the Yukon or the Northwest Territories. Since the provinces are not liable to include candidates from outside of their provincial boundaries, this is yet another way in which northern Canada is

excluded from the mainstream of Canadian life by this Accord.

The Meech Lake Accord is ominously silent on the question of rights for women and minorities. The only rights receiving specific mention in the Accord are aboriginal rights and multicultural rights. While we would encourage and support the recognition of these rights in the Constitution, there is a danger in specifically mentioning only two kinds of rights and omitting others.

The Meech Lake Accord is intended to become part of the Constitution of Canada. As such, it would have superior status over the Charter of Rights and Freedoms. Therefore, we would end up with a hierarchy of rights, with aboriginal and multicultural rights in a privileged position over women's and minority rights. In fact, it would become open for the courts to decide that the latter are excluded from the protection of the Charter, if they come into conflict with the former. For example, women's and minorities' rights could be excluded from the protection of the Charter where a program to promote multiculturalism violates those rights.

To deal with this problem, there would have to be a new clause in the Accord to the effect that: "Nothing in this Accord shall detract from any of the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms." Even with such language in the Accord, it would be open to judicial interpretation whether the clause would have the intended effect.

Similar protection is needed for aboriginal peoples. The Accord should contain a guarantee that it shall not override any other provisions in the Constitution or any provisions in the Charter regarding aboriginal peoples. In addition, there should be some provision to ensure that provinces do not opt out of federal programs which offer services to aboriginal people.

Finally, let us look at the question of collective rights. These have gone unrecognized in the Charter of Rights and Freedoms. The "right of association" is intended to protect only the right of the individual to associate with other individuals. It does not include the right to collective bargaining and the right to strike, even though two Supreme Court judges, including Chief Justice Brian Dickson, have recommended their inclusion.

We, therefore, propose that the Constitution recognize these rights, and that the Meech Lake Accord may be an appropriate place to include them.

The Meech Lake Accord represents an excessive devolution of powers from the federal Government to the provincial Governments. In a country characterized by great regional differences and a decentralized federal system, this creates a serious risk of undermining the delicate balance which has held this country together as a unified entity for over a decade.

We believe that the authors of the Accord did not have a mandate to risk dissecting the country without consulting its citizens. The people of Canada have been excluded from effective participation in the constitution-building process. We view these hearings as the beginning of a new process, whereby all Canadians can take part in creating their own future. Thank you.

Mr. Chairman: Thank you. Any questions? Thank you very much.

Mr. Chairman: Ms. Bev Millan, representing the Manitoba Action Committee on the Status of Women, Winnipeg Branch.

Ms. Bev Millan (Manitoba Action Committee on the Status of Women, Winnipeg Branch): Good morning. I appreciate the opportunity to speak with you today. Before I do begin, I would like to briefly introduce the organization I represent.

The Manitoba Action Committee on the Status of Women, MACSW, is one of the longest-running feminist organizations in Manitoba, formed 22 years ago to make a comprehensive presentation to the Royal Commission on the Status of Women. We are a volunteer, non-profit, non-partisan provincial organization with a mandate to improve attitudes, raise issues, and remove inequalities affecting women today.

Through political action and public education, MACSW works to alleviate inequalities in the areas of economic, social and legal rights. As a provincial organization, branches have been established in Brandon, Dauphin and Thompson in response to women's needs in rural and northern areas. I am here on behalf of the Winnipeg Branch and our 455 Winnipeg members.

The brief will respond to several comments and misperceptions about the Meech Lake Accord and focus on three problem areas: process, women's rights, and national cost-shared programs. This is not to be misunderstood as saying that there are no other problems with the Accord, but rather that this is what we choose to focus on.

The Issue: MACSW, Winnipeg Branch, would like to state our agreement with the aim of the Accord to bring Quebec in as a signatory to the Constitution. However, the Meech Lake Accord, as it is presently drafted, goes beyond the inclusion of Quebec by jeopardizing women's equality rights.

Women have been taught that our Constitution is the supreme law of the land, governing other laws and actions taken by provincial and federal Governments. It is a legal and political document, thereby encompassing our basic beliefs and shared values as a nation. Canada's Constitution is highly relevant to women's lives as it establishes a framework for what Government can and cannot do in our daily lives. The Constitution affects outcomes from family court to rape trials, shaping women's fortunes in boardrooms and bargaining tables, in the home and on the street. As well, it offers a shared vision of what a truly democratic, equal Canada would look like.

As Catherine MacKinnon, a constitutional lawyer, stated:

"Women have historically been second-class citizens in Canada with indices of disadvantage, including unequal pay, allocation to disrespected work, and demeaned physical characteristics. Women are targeted for sexual assault, domestic

battery, sexual abuse as children, and systematic sexual harassment. Women are depersonalized, used in denigrating entertainment, forced into prostitution. These abuses occur in a historical context characterized by disenfranchisement, exclusion from public life, preclusion from property ownership, sex-based poverty, lack of reproductive control, definition as sexual objects, and the devaluation of women's contributions in all spheres of social life, which continues to the present day."

The Charter of Rights and Freedoms was our hope for addressing this second-class status of Canadian women. For the first time in the history of Canada, the Charter under Sections 28 and 15 offered clear statements of protection for women's equality rights. Catherine MacKinnon describes this victory:

"Comparatively viewed, the Canadian Charter of Rights and Freedoms is advanced beyond any comparable instrument in the world, promising women full citizenship. Its combination of equal protection of the laws with specific nondiscrimination guarantees, together with its substantive recognition of disadvantage and support for affirmative relief, lays the legal foundation for some of the most significant advances in sex equality ever to be made for women under the law."

* (1120)

The inclusion of these fundamental equality rights was due to a massive lobby campaign by women of MACSW and all across Canada in 1981 and '82. We understood then the significance of constitutional protection from Governments and protection from the contingencies and vicissitudes of shifting political whims and majorities.

The Charter of Rights and Freedoms held the promise for a future where girls and women could have full access and equal participation. Women had taken part in constitution decision making and were hopeful and proud. Yet only six years later, the Meech Lake Accord threatens to return us to second-class citizenship, takes away fundamental equality rights, disrupts national unity, and offers instead obtuseness and confusion.

The Process: Women's concerns have been voiced since the inception of the Accord. When stating concerns about the Accord, women have faced a barrage of criticism and intimidation. Mary Eberts, a constitutional lawyer, describes this phenomena: "Resistance to women's concerns about constitutional initiatives ranges from the patronizing 'Trust Us' to ridicule, misrepresentation of women's position and silencing. Women are also threatened that if we do not accept the deal as configured, 'things will get worse.'"

Are we to trust politicians in not abrogating or derogating women's equality rights? Voice of experience proves political assurances carry little weight when interpretation of statutes is at issue. We, in fact, do not trust the courts' interpretation of the presently drafted Meech Lake Accord. One need not look very far back in Canadian case law history to discover its

less than fair treatment of women. Women are still drastically underrepresented in the judiciary. Courts are still inaccessible to women, and so they are not a comforting alternative.

Women's groups have been threatened that if we disagree with the Meech Lake Accord, it will lead to future alienation of Quebec and separatism. What about the alienation of women? This threat also prevents effective debate. We believe amending the Meech Lake document will not hinder constitutional process but will only improve it. It is an ongoing slow process.

MACSW-Winnipeg Branch believes this strategy of threats, misconceptions and discrediting women's voices is part of the larger problem of the process of the Meech Lake Accord, the undemocratic process of having 11 males writing a final constitutional document in haste—"a done deed," as referred by Prime Minister Mulroney. The lack of reasonable consultation with women and others defies the participatory nature of Canada's democracy. Women are being asked to accept what we've been given, a document that puts our rights in an ambiguous position.

In addition, the Accord entrenches regular yearly meetings of First Ministers, thus institutionalizing the possibility that women and others will have to respond on a regular basis to a fait accompli like the November Accord. There are, at the present time, no satisfactory mechanisms to ensure adequate public input, and it appears that decisions made in the First Ministers' meetings are not open for amendment, and hence those decisions are effectively beyond the control of Legislatures and Parliament.

Therefore, MACSW-Winnipeg Branch calls on the Government of Manitoba to address the process and propose satisfactory solutions, including:

- access to First Ministers' meetings;
- genuine public debate on the outcome of those First Ministers' meetings;
- provision of public resources for the involvement of advisory groups in constitution making; and
- commitment by the Government to seriously consider citizens' concerns.

The second point, Women's Equality Rights: The Accord jeopardizes our equality rights through Sections 1 and 16. As feminists, we are concerned with rights for all. Minority rights of disabled, senior, immigrant and aboriginal women are also seriously at risk and, consequently, further marginalized.

Paula Mallea, lawyer and MACSW executive member from Brandon, has succinctly outlined the problem of these clauses that appear to leave the Constitution open to an interpretation that would put Charter equality guarantees into a subordinate position. "A set of circumstances can easily be anticipated in which equality rights of women may come into conflict with the overriding obligations of all Governments to preserve the distinct society and linguistic duality characteristics; and that courts likely could not find such actions unconstitutional as the Accord, as it is presently drafted, specifically supports some interests while remaining silent on others."

If you require circumstantial examples, I refer you to the presentations made to the Special Joint Committee by the National Committee, National Association of Women and the Law, the Legal Education and Action Fund, as well as the Advisory Council on the Status of Women, also briefs presented to the Ontario hearings by Mary Eberts, Beverley Baines and Ramsey Cook.

Furthermore, the argument that the "distinct society" clause of the Accord does not pose any possible threat to equality rights breaks down when you consider Section 16. Why include this section if existing rights are not threatened? The section safeguards some existing rights, i.e., aboriginal and multicultural rights, from the impact of the "distinct society" clause, thereby establishing a hierarchy of rights.

In fact, women's groups across Canada have virtually all agreed that the Accord's Section 16 puts women's rights into jeopardy, including the major Quebec women's group, the Federation de Femmes du Quebec.

Therefore, MACSW-Winnipeg Branch calls on the Manitoba Government to eliminate these risks by amending the Accord to guarantee that nothing in the Accord shall be interpreted to abrogate or derogate from Section 15 and 28 in the Charter of Rights and Freedoms.

The third problematic area of the Accord is Section 7, national cost-shared programs. The ambiguity of this whole section is appalling and of great concern to us, given that women are significantly affected by national cost-shared programs such as the Canada Assistance Plan and health care. Women are disproportionately represented among the poor and welfare recipients. Women, especially single moms, battered wives, pregnant women and immigrant women, depend on programs in the areas of education, skill training, language training, administration of justice and hospitalization. Social programs such as these are key to ending barriers to full economic participation of women in the Canadian labour force.

The Accord does not provide critical definitions of "initiatives," "compatible" or "national objectives," nor does it state who would define these terms, the federal Government, the provincial Government, consumer groups. Neither are there mention of standards such as accessibility, universality, comprehensiveness or accountability.

Another problem with Section 7 is the vague conditions under which provinces can opt out. We fear provinces may choose to replace national programs with inferior ones without financial penalty. The opt-out provision obstructs the development of national programs such as child care, programs for women victimized by crime or proposals enforcing maintenance orders.

Given the limited power and resources of the federal Government, we will see a patchwork of unequal, ineffectual services across Canada contributing to the already existing regional disparities. This is unjust. Canadian women have the right to expect the same level of service regardless of which province they live in. Premier Vander Zalm's recent defiance of the

Supreme Court decision on abortion is a good indication of the possibilities in store to women once provinces can opt out.

Therefore, MACSW-Winnipeg Branch recommends definitions be developed for the terms "initiatives," "compatible" and "national objectives." These definitions must not weaken the ability of the federal Government to initiate progressive, Canada-wide social programs. Furthermore, it is imperative that these definitions be developed before the Accord is ratified, if at all.

One final concern is about the proposed parallel or companion agreement. First Ministers must define what it is, how it substantially amends the Accord and by what process it will be used to include public input. MACSW-Winnipeg Branch does not want women placed in a secondary document. If a parallel agreement is not simply window dressing, it must make an actual change to Section 2 of the 1867 Act as it appears in the Accord, giving supremacy to the equality guarantees of the Charter, and must come into effect at the same time as the Accord. Our preference remains with actual amendments to the Accord.

* (1130)

In closing, we urge you as our representatives to make these crucial amendments to the Accord now and not after, thereby rendering these hearings constructive rather than gratuitous. We ask that you report our concerns fairly and correct the record that has been left after other Meech Lake hearings.

We call on the courage of Manitoba leaders to stand up for democratic process, women's equality rights and social programs. If the supremacy of the Charter is not confirmed, women will wonder what is the value of having a constitutionally protected right which can be cast aside whenever 11 men choose to enter into a contractual agreement to that effect.

Amending the Accord, we know, is a difficult challenge, but women heard the same words when the Charter was successfully opened to strengthen women's rights in 1982. Various rights can coexist.

The Meech Lake Accord must not be ratified without amendments. Manitoba and Canadian women deserve a good Constitution. We deserve a better one than we got in 1982 when Quebec was excluded. We deserve a better one than this Meech Lake Accord offers us now.

Thank you.

Mr. Chairman: Thank you very much. Any questions? Thanks again.

Ms. Trujillo.

Ms. Zully Trujillo (Private Citizen): Good morning.

Mr. Chairman: Good morning to you.

Ms. Trujillo: I'd like to present my appreciation for the opportunity to present my views and my concerns on the Meech Lake Accord.

My name is Zully Trujillo, and I am an immigrant, visible minority woman. Although I'm not here to represent or to speak about them, I think and I hope, I can speak for many of them.

I welcome Quebec's signing of the Constitution, but I have some serious concerns about the effects that the Accord in its present form will have on the rights of women.

Being an immigrant woman, immigrant visible minority woman, for the most part 60 percent privately sponsored by the relative who often is her husband, they only have access to language training. They are not eligible for social services such as legal aid, social assistance, etc., for periods of up to 10 years after their arrival. This situation of dependency has been the source of suffering and abuse of many immigrant women.

In addition to this, immigrant visible minority women outnumber non-immigrant women by three to one in services, production and handling materials, positions which are both among the lowest-status and lowest-paid occupations.

Although the Charter of Rights and Freedoms guarantees women's rights, immigrant visible minority women face this pitiful situation described above. With the Meech Lake Accord, our status will further deteriorate. Thus, I respectfully ask that the Meech Lake Accord be amended to include the following statement in the final draft: "Nothing in the Meech Lake Accord shall abrogate or derogate from any of the rights and freedoms guaranteed in the Canadian Charter of Rights and Freedoms."

My other concern about this Accord is the process. I strongly object to the process in which this Accord comes into being. I am a Latin American woman who had witnessed how dictatorships had been established and, as a result of them, I held a refugee status. I am worried because this type of undemocratic process has the potential to disrupt the institutional life of any country.

Thank you very much.

Mr. Chairman: Gracias. Any questions?

Professor Ed Rea.

Mr. Ed Rea (Private Citizen): Good morning.

Mr. Chairman: Good morning, sir.

Mr. Rea: My name is Ed Rea, and I teach Canadian history at the University of Manitoba, which means that you and the people of Manitoba pay my salary, and I'm going to try and pay you back a little this morning. I thank you for the opportunity to appear before your committee on this occasion.

I am here as a private citizen, but I beg to suggest that my views would be supported in the main by almost every other academic Canadian historian, and in particular by my recently deceased colleague, Dr. Lovell Clark, who prepared the first draft of this brief. Our

preoccupation, he and I, and our concerns were and are about political power, since the essence of any written Constitution is to limit and distribute such power.

The Meech Lake Accord is an extremely important document in its effect on power sharing in our federal system. It is also an outrageous one, in my view, and will destroy the Canadian polity as we have known it if it is implemented in its present form. The only justification for adopting this Accord, according to the Prime Minister and his colleagues, is that we must bring Quebec back into the Constitution of 1982 since that province rejected it at that time. This is objectively—nonsense. Consider these facts. The Constitution of 1982 was approved by a French Canadian Prime Minister, Monsieur Trudeau, by a French Canadian Minister of Justice, Monsieur Chretien, and by 72 of the 75 MPs from Quebec. Is this not more important than the fact a separatist Premier and a separatist Government, who had no wish to improve our system of Government, declined to accept it?

Why is it that a French Canadian Prime Minister and the overwhelming majority of Quebec MPs are not considered the legitimate representatives of Quebec, but a separatist Premier and Government are so considered? Furthermore, in a Gallup poll of December 10, 1981, only 34 percent of Quebecers supported Levesque's refusal, while 46 percent disagreed with him, and 20 percent either had no opinion or were unaware of the issue. Another such poll of June 19, 1982, revealed that only 16 percent of Quebecers did not feel the new Constitution was a positive development.

In addition, it is simply a fiction to assert that Quebec must somehow be brought back into the Constitution. It was never out of it legally, morally or any other way. There was no crisis in Quebec over the Constitution of 1982, and consequently there is no necessity for the potentially disastrous surrender of federal powers contemplated by Meech Lake. In the election of 1985, which returned Monsieur Bourassa and the Liberals to power in Quebec, the Constitution played no part at all.

Finally on this point, the Accord gives to the provinces far more than Monsieur Bourassa ever asked for, far more than any of the provincial Premiers would have dared to hope for, and far more than any previous Prime Minister would ever have considered giving away. The constitutional changes, proposed by Meech Lake, will redistribute effective power in our country from the federal to the provincial Governments to such an extent as to threaten disintegration. Permit me to illustrate.

The Meech Lake Accord will introduce into the Constitution two new principles of interpretation: first, the principle of linguistic duality, which Parliament and the provincial Legislatures are to preserve, and the principle of Quebec as a distinct society, which the Government of Quebec is to preserve and promote. It ought to be pointed out here that Monsieur Bourassa asked only for the insertion of the "distinct society" clause in the preamble. In fact, it has been made a provision of the Constitution, a very important difference.

* (1140)

This distinction has been made worse by the fact that distinct society has been left undefined which, of course, means that the courts will interpret it. Mr. Mulroney has suggested that the clause confers no additional powers on Quebec. Monsieur Bourassa hails it as a breakthrough. They both cannot be right.

In addition to the lack of definition, there is no way to forecast what measures a Quebec Government will take to preserve and promote its status as a distinct society. Could it demand control over broadcasting or unemployment insurance, or appoint its own representatives abroad to promote its distinct society? Why not, if a compliant Supreme Court appointed by the provincial Premiers agrees? In its determination to preserve and promote its distinct society, Quebec could become virtually independent.

It is precisely in such interconnections that the real danger of the Meech Lake proposal lies. For, as you know, the Accord gives to the provinces the right to nominate justices of the Supreme Court, from among whom the Prime Minister must select new appointees. For decades, the Supreme Court of Canada has been composed of the best legal talent in the country, and its decisions have been a model of fairness. Why are we now making such a change? Presumably, it is so the provincial Premiers can choose members of the court with a provincial or regional bias. Do we really want or need a Supreme Court that is biased or partisan, and could very easily be divided within itself? In any case, what qualifies provincial Premiers to choose Supreme Court justices? The recent history of provincially appointed judges in Manitoba does not exactly breed confidence.

The Meech Lake Accord also gives to the Premiers the right to nominate senators, presumably for the same regional reasons. And very few commentators have noticed the truly revolutionary—and I use that word advisedly—implications of this proposal. Such a Senate, appointed effectively by the Premiers and answerable to no one, will have real political clout. Being a much smaller House, it will become much more powerful than the Commons, just as the American Senate has overshadowed the House of Representatives in the American Congress. The consequences of a powerful Upper House for our system of responsible Government are fearful to contemplate. Those Members of the House of Commons who supported Meech Lake have opted to emasculate their Chamber. If the Senate were to be elected by province or region, as many apparently favour, it would compound the problem even more and would probably mean the end of responsible Cabinet Government, leading us to some bastard version of the congressional system.

It is frankly beyond me why we should take such an enormous risk. Has the Senate performed its assigned duties that badly? Some of you may think so, but I certainly do not. It has acted as the Chamber of sober second thought, as it was designed to do, and it has amended, postponed and rejected legislation that merited such treatment. In recent times, one need only look to the Senate's reappraisal of drug patent legislation and immigration revisions to value its utility as a break on a stampeded Commons.

An equally damaging provision, in my view, is that the Accord will allow provinces to opt out of national social programs and receive the equivalent revenue from the federal Government, provided they carry on "a program or initiative that is compatible with national objectives." One could take several large trucks through that obvious loophole. Such a scheme will allow the provinces to take the money and run, which is precisely what they will do. Why is this being proposed? Were Family Allowances, the Canada Pension Plan and universal Medicare such terrible mistakes? It is just such programs that make Canada a humane and civilized society. All our great social programs were introduced by the federal Government, despite the fact that they were allegedly an intrusion into areas of provincial jurisdiction and in spite of opposition from some of the provinces. If Meech Lake is implemented, you may rest assured that there will be no more national social programs worthy of the name. Say goodbye, for example, to day care.

There are many other problems with the Meech Lake Accord but I will conclude by mentioning only two more. The provincial Premiers are to be guaranteed two conferences of First Ministers' annually. Now these meetings are seen by many as a good thing, a manifestation of cooperative federalism or something, but they are more often occasions for political posturing, or worse, they resemble conclaves of medieval warlords who get together and decide what is good for us and Parliament and the provincial Legislatures are then presented with a fait accompli. The Meech Lake Accord itself is a classic example of this process. Ever since the first such meeting took place in the late 1920s, this pernicious invention has increasingly undermined parliamentary authority.

Finally, any important amendments to the Constitution will require the unanimous consent of the provincial Premiers. I, for one, do not expect that any significant amendments would ever take place. All the Premiers will never simultaneously give up the enormously greater powers that Meech Lake gives them, especially the coveted patronage appointments to the Senate and Supreme Court.

Perhaps it would be timely to ask ourselves what Rene Levesque would think of Meech Lake. It would give him special status for Quebec, a permanent constitutional veto and the right to opt out of national programs with compensation. That is sovereignty association with a vengeance. Worse, it gives almost the same to all the provinces.

To sum up then, the Meech Lake Accord will transfer power from the federal Government to the provinces, especially Quebec; will transfer power from Parliament and the provincial Legislatures to the Courts; will transfer power from the House of Commons to the Senate; and will transfer power from Parliament to the First Ministers' Conferences. The Accord is not only revolutionary and destructive, it is profoundly undemocratic.

Canada, at present, has the most decentralized and rigid federal system in the world. The Meech Lake Accord will make it more decentralized and more rigid and, in addition, will make our country much less

democratic. It is therefore in my view beyond remedy and Manitoba should firmly reject it. Thank you.

Mr. Chairman: There are no questions. Thanks again, Professor Rea.

Mr. Ron Coley. Did I pronounce the name correctly?

Mr. Ron Coley (Private Citizen): Yes, you did, thank you.

Mr. Chairman: Thank you.

Mr. Coley: Ladies and gentlemen, I certainly appreciate the opportunity of expressing my views to you today on the 1987 Constitutional Accord. I'd like to congratulate Members of all Parties for deciding to stop, step back and reanalyze before proceeding further.

On the way here this morning, I was trying to think of an analogy and how I could describe the Meech Lake problems and our wonderful country. I made up a little story about the caretaker of the Meech Lake resort who had to call a dogcatcher in because there was a lot of strange animals wandering around about the backyard. When the dogcatcher arrived, he saw a rather large French poodle—he looked like he had a little bit of British bulldog in him and I guess he was Quebec. There were nine other stray, strapping cats, one of them a particular big tomcat and I guess that was Ontario. The other eight were the rest of our provinces, two mice, which is the Yukon and Northwest Territories and a rather misplaced ostrich, who acts a lot and keeps his head in the ground most of the time, and I guess that's our federal Government. The problem was the dogcatcher did not have to just catch these animals. He had to put them in one cage to get them back, and that's our country—real scrappers, but a great country to live in.

As part of my job, I'm lucky enough to travel all over Canada from the Queen Charlotte Islands to Newfoundland and from the Arctic to the U.S. border. I have never met a Canadian who wasn't proud to be a Canadian, and I have never met a French-Canadian who wasn't Canadian first and French-Canadian second. We've got a wonderful country and we have to work hard to keep it united and strong.

I have read the 1987 Constitutional Accord as signed by the 10 provincial Premiers and the Prime Minister in 1987. I have reviewed some of the House of Commons debates on this subject, and I have read in detail the Report of the Special Joint Committee of the Senate and the House of Commons as issued in September of '87. In addition, I have reviewed the constitutional debates leading up to the Constitution Act of 1982.

However, I am not a lawyer and I am not a politician. I am not an expert in political science or constitutional matters. I am simply an interested, concerned Canadian. The following is a summary of my opinions for your consideration.

First of all, I believe in a strong federal Government. It has been said by some that we only need a strong federal Government in times of war and in times of crisis. Turn on the TV tonight. There will be a crisis—

Budget. I don't even have to include the Budget. There will be a crisis somewhere in the world or locally that involves Canada and our federal Government. For example, the fundamental issue of French-English relations requires a strong federal system to maintain a good relationship between the two. A strong federal Government is required to adjust, monitor and keep alive the relationship between an economically and politically strong central Canada and its periphery provinces such as Manitoba. We are neighbours of the most powerful nation in the world, and we need a strong federal Government to try to maintain our independence, our uniqueness and our distinctiveness.

As Lloyd Axworthy, Member of Parliament, described during the debates on the constitutional Accord, there are two groups of thought, two competing notions of how Canada should function. Either we are simply a group of separate entities, provinces somehow related for convenience, or that the country of Canada has a unique destiny and responsibility of its own which is greater and more important and significant than the sum of its parts. The latter concept has my support.

* (1150)

Let's talk about the anatomy of conflict. The 1979 Task Force on Canadian unity describes Canada as having an anatomy of conflict centred on two basic realities of the Canadian circumstance, namely dualism and regionalism. These characteristics have caused problems in the past, they're causing problems now and they have potential of causing even greater problems in the future. These are deeply rooted in our history and are the major elements in the social and economic foundations and fabric of Canada.

Let's talk about dualism, the problem of dualism. We have two distinct societies in Canada, French and English, with French predominantly located in Quebec. While the origins of the problems pertaining to dualism are many, their resolution must necessarily be political and constitutional in nature and aimed at securing a satisfactory position for Quebec and its people within Canada as a whole.

Quebec has always been the main source of French culture in all of North America and it will continue to be so in the foreseeable future. It will perform this function inside the Canadian federal system or outside it. The challenge is to demonstrate that Quebec has a role which can be played more effectively within a structured federal system which is expressly cognizant of Quebec's distinctiveness. I am not going to go into details which led to the emergence of a distinct society in modern Quebec but there are many, including history, language, law, common origins and politics.

Let's talk about the next problem, regionalism. Regionalism is the second element in Canadian society which needs attention. Let's forget the French-English situation for the moment. Canada is a much more diverse and complex country than simply a French-English circumstance. This complexity needs to be taken into account in the analysis of Canadian problems and the search for solutions. So it is not just the Quebecois who feel different. Many English-speaking Canadians

feel different, maybe not so much from a cultural basis but on an economic and political power basis.

I see the five regions of Canada as follows: the Atlantic region, central Canada with Quebec and Ontario, the Prairies, B.C., and the North. The provincial boundaries are not important. This regionalism exists from the following sources of diversity: geography, history, culture, economics. Even federalism itself, through the BNA Act in 1867, guaranteed quite substantial powers to the provincial Governments of Canada. The provinces are responsible for the delivery of many of the most basic and costly services such as health care, social services and education.

In giving the provinces these weighty responsibilities, the BNA Act reinforced Canadian regionalism by permitting the development of provincial political institutions of sufficient size and authority to undertake a general role of expressing regional views without regard to jurisdiction. This, in my opinion, has some distinct disadvantages. Quite often regional views expressed by the provinces are strictly local in outlook and do not take the national perspective into account.

Now we try to solve these two conflicts, these two problems. The first and foremost challenge facing the country is to create an environment in which dualism can exist. The second is to provide expression of the forces of regionalism in Canada's constitutional system and power structure pertaining to national issues. Each, if ignored or left unsatisfied, has the power to break the country.

The purpose of the constitutional Accord was to attempt to solve the problems related to dualism and regionalism. After reviewing the document and the supporting literature, I've come to the conclusion that the resulting product is not very satisfactory.

Regarding dualism, I believe it is imperative to make every effort to have Quebec accept and adhere to the constitutional Act of 1982. It is my understanding that the report of the Special Joint Committee of the Senate and House of Commons related to the '87 constitutional Accord from a strict legal point of view. The '82 constitutional Act applies to Quebec, but that probably is not good enough, particularly for a constitutional document which requires more than just legal correctness but a strong belief that it is just and right.

Therefore, I have no objection to the '87 constitutional Accord recognizing Quebec as a distinct society because it truly is one. I do not see that this in itself jeopardizes the equality of other provinces or otherwise creates a special status for Quebec to the detriment of Canada.

However, I am concerned about the legal possibilities that this provision could be invoked to override minority language rights enshrined in the 1982 Charter of Rights and Freedoms. I agree with Premier Filmon's attempt to ask the federal Government in January to seek a ruling from the Supreme Court on the relative powers of the Charter of Rights and Freedoms and the distinct society provision. I note the federal Government refused to seek such a ruling. There are expert opinions on both sides regarding the consequences.

Because of the possible impact on English-speaking people in Quebec and the backlash that would occur on French-speaking people elsewhere in Canada, I strongly recommend that Manitoba withhold support for the Accord until a clear understanding of minority language rights has been ruled by the Supreme Court. Alternatively, the 1987 constitutional Accord must be revised in a manner to legally guarantee minority language rights.

Let's talk briefly about Senate reform. I believe in order to solve the regionalism concerns, our federal system is in need of a major change. The Canadian Senate, as it exists today, does not serve the need of Canada for a House where the full range and depth of our regional problems and the effect of national policies on the problems can be discussed with independence and authority. Former Prime Minister Trudeau said: "The House of Commons cannot fully serve this function. The Senate, appointed as it is now entirely by the federal Government, has not been able to provide that recognized form for achievement of genuine understanding of the sometimes conflicting nature of our national and regional objectives and for the search for solutions."

I believe the problems related to regionalism can be solved by developing a stronger, more functional federal Government by creating a Senate that has equal regional representation. There have been many interesting ideas related to Senate reform. However, there is no use talking about Senate reform now, because I don't think it's going to happen, and here's why. It's a veto problem.

One of the previous presenters used a rather interesting analogy, Mr. Riley. He said we are really jilting Quebec at the altar. If you're talking about contracts, I wonder what my wife would have said when I got down on my knees and said: "Lorna I love you very much and I would like you to marry me, but because you may do something I don't like in the future, I also like a veto." I don't think she would have said yes.

A condition specified by Quebec for adherence in the constitutional Act of 1982 was that Quebec must have a veto on significant constitutional amendments. The constitutional Accord of 1987 unfortunately allows the ability of any province to veto any proposed change in the make-up, method of selection, and powers of the Senate, the Supreme Court, and the establishment of new provinces. As part of the Meech Lake negotiations, the response to Quebec was broadened to put all the provinces on equal footing. As far as I'm concerned, this left the whole situation in a real mess.

* (1200)

First of all, I don't believe Quebec requires a veto to assure its place in Canada. No other province requires it either. Secondly, as I see it, to appease the concerns related to French-English dualism problems, the strength of the federal Government has been eroded considerably. Here is the real irony. In attempting to solve the problems of one of the areas, dualism, greater problems have been created in the other area, regionalism. By meeting Quebec's demands for a veto

and compromising by giving every other province a veto on items related to Senate reform, the probability of creating a long-term solution to problems related to regionalism has been virtually eliminated.

The 1987 constitutional Accord guarantees there will be annual conferences composed of the Prime Minister of Canada and the First Ministers of the Provinces, to discuss the state of the Canadian economy and other such matters as may be appropriate. However, I feel there is a fundamental flaw in assuming that provincial Governments will represent regional interests with a national perspective. Representatives on a functional regionally distributed Senate would, in my opinion, represent regional interests in a more national, more global perspective.

I strongly recommend the Accord be revised such that the veto for all provinces on constitutional amendments related to the Senate be removed, and that the voting for Senate reform continue as described in the constitutional Act of 1982, namely, the 7/50 rule.

There are other erosions of federal power that concern me, and I'll discuss them just briefly. Regarding the Supreme Court, the proposal whereby vacancies on the Supreme Court must be filled from a list supplied by the provinces, further erodes the strength of the federal Government. Provincial Governments will be exercising remote control over a body which, thus far, has been entirely the responsibility of the federal Government.

Let's talk briefly about national programs. Although the constitutional Accord confirms Ottawa's right to initiate federal spending programs, it limits its ability to force conditions on reluctant provinces. Any province that opts out of the federal system would be entitled to receive its fair share of federal funding for the program. Some experts are concerned that the lack of universality will be detrimental in the sense the federal Government's ability to provide direction and leadership on regional development, on social programs and economic development will be eroded.

Finally, the establishment of new provinces, the fact that veto power exists for each province whereby unanimous consent would be required for the establishment of new provinces also erodes federal power. In present-day Canadian society, what conceivable right could the Province of Nova Scotia have in vetoing establishment of a Province of Yukon, for example?

In summary, ladies and gentlemen, the constitutional Accord, as proposed, is unsatisfactory to me. It requires further investigation in the area of distinct society to ensure that minority language rights are not eroded. It must be amended so that future efforts to reform this Senate to accommodate the regionalism problems of our nation are possible. It requires significant revision in order to ensure that the strength of the federal Government is not eroded in the areas of the Supreme Court, national programs, federal spending power and the establishment of new provinces.

Thank you.

Mr. Chairman: Thank you, Mr. Coley. Any questions?

Next, Mr. Duane Martin.

Mr. Duane Martin (Private Citizen): Good morning, plus a little bit.

Mr. Chairman: Brevity is the soul of wit, sir.

Mr. Martin: I'm not finished yet.

It is my feeling that the Manitoba Legislature cannot approve the Meech Lake Accord. It will establish an unequal partnership which will lead to the inevitable end of Canada. Meech Lake does not represent what the people of Canada want. It represents the will of a very few powerful people.

Meech Lake will bring Canada into the Constitution, but it will not strengthen Canada. It will do the exact opposite; it will weaken Canada. The "distinct society" clause sets one province above all the others. The very term denotes special treatment. It creates an unequal partnership which will inevitably lead to further feelings of alienation and separatism in the West and other areas of Canada. It reflects the attitude in Ottawa of bringing Quebec in at any cost. It asks too much of the rest of Canada.

If you'll compare the "distinct society" clause to a family, it is like the parent granting special recognition to one child over all others. This is unthinkable. No parent would do it, and yet this is what Meech Lake does. Resentment is the inevitable outcome.

The greatest danger of the "distinct society" clause is that its meaning cannot be defined until it goes to the Supreme Court within the context of a specific situation. Therefore, we are being asked to take a tremendous leap of faith. Do we want the fate of Canada to rest on the clause whose full implications and meanings cannot be defined at this time?

When I called about making a presentation, an interesting thing happened. The first question was, "what group was I representing," not what was my name. The political process appears to be nothing more than Party politics or the reaction to special interest groups which seldom, if ever, represent a majority of Canadians. Political decisions represent the will of a political Party or a special interest group, not the will of the majority of Canadians.

Meech Lake is Party politics at its worse. If anyone doubts this, look at the example set by Manitoba's federal politicians. They have come to Manitoba to preach the Party line at these hearings, not to hear what their constituents have to say. The interests of the Party comes first. The interests of the people who elected them comes a distant second. Who are they really representing? Who is Meech Lake representing? Who really wants it? Certainly not the majority of Manitobans or Canadians. These hearings and various polls have shown the majority of people oppose Meech Lake.

My experience echoes what the polls have found. Anybody with whom I have discussed Meech Lake is opposed to it and what they seem to dislike the most is the "distinct society" clause, and yet Ottawa plans

to ignore the will of the Canadian people and impose something which is so distasteful to most of us. What gives Ottawa the right to implement what the majority of the people do not want? The democratic process seems to stop after the last ballot is counted.

The Meech Lake Accord was arrived at in camera under extreme pressure and within strict deadlines. Also, we are told that it must be approved by a certain date and no changes can be made. How can we accept anything that was created under these conditions to be the definitive statement on what Canada should be as a country?

I resent the implications made by a few politicians in the press that these hearings would bring out the bigots. There is a double standard at work in Canada. The federal Government wants to bring Quebec into the Constitution at any cost and anyone who opposes this is automatically labelled a bigot. Any opposing view, no matter how truthful or sensible, is automatically denounced.

When someone in Quebec burns a Canadian flag, he is called a nationalist. If anyone in Canada demonstrates for French language rights, he is just affirming his valid rights. However, if someone says that Meech Lake is wrong because it sets up two different classes of provinces in favour of Quebec, or that Bill 178, unilingual signs of Quebec, is wrong because it destroys minority rights, is automatically branded a bigot.

I have a real fear for the future of this country and the type of power that the "distinct society" clause gives to Ottawa and Quebec. Ottawa has never been kind to the West nor can they be trusted. Can we ever forget the CF-18 which was done in the name of national unity, and more recently Bill 178 which effectively trampled minority rights in Quebec? If both these came to pass without special status being granted to Quebec, whatever will happen if Quebec is granted distinct society status?

We cannot rely on Ottawa to accept and foster the aspirations of western Canada. If anyone here is relying on the good faith of Ottawa to address Senate reform or other western issues once Meech Lake is signed, I have a bridge in New York I'd like to sell them. Western Canada's aspirations have never been taken seriously by Ottawa. Our aspirations and needs have always been less valid than Quebec's. That is a political reality. Meech Lake will only make the situation worse. Again, I must draw your attention to the actions of our federal representatives. They are here representing Ottawa's views, not those of the people who elected them.

Lately, I have heard suggestions that a parallel Accord be created. Which Accord would prevail in the areas where they disagree? A parallel Accord would just add confusion and uncertainty to the whole process. Rights must be spelled out clearly without the potential to be overridden. Parallel Accords would lead to another notwithstanding clause scenario.

You have heard several presentations demanding the guarantee of equality for women be added to the Accord. The Accord must guarantee the equality of all

Canadians, regardless of sex or race. However, I am afraid that if only women's rights are specifically addressed in the Accord, what happens to the rights of men in the future? I have a son and a daughter. I have always stressed the same values to them regarding their role in society and the opportunities which exist for them. This must be the wish of any responsible parent. If we define selective guarantees in the Accord, what will happen in the future to those who do not have those guarantees defined in the Accord? It seems that equality is not enough. Some must be more equal.

I hope these hearings are not a ploy to placate the people of this province. The message is coming out loud and clear at these hearings. I hope you will listen to what is being said and what the polls say, and will respond to it, for is that not the essence of a democracy?

Meech Lake is unacceptable. It sets up two classes of provinces. Its real implications and meaning are unknown at this time. It is opposed by a majority of Manitobans and Canadians. The Legislature of Manitoba cannot ignore this fact. The elected representatives of Manitoba cannot approve Meech Lake unless it is changed to create an atmosphere of equality, which in its present form Meech Lake will destroy.

I have no doubt that Ottawa will use every trick and threat in the book. Manitoba must resist. The future of Canada is too important to leave to a few ivory tower thinkers. The Constitution is for each and every one of us. It belongs to all us, not just the privileged few in Ottawa.

I would like to add one thing about what a previous speaker said. He said that this is not a game, it's for real. We don't have to accept something that is wrong just because we want to play fair. Thank you very much for this opportunity. I think it is a great process. I really do.

Mr. Chairman: Thank you, Mr. Martin. Any questions?

The next speaker, Mrs. Annie Mills.

* (1210)

Mrs. Annie Mills (Private Citizen): Members of the Task Force, ladies and gentlemen, I have been interested in this Meech Lake for the past two years, and I have a pile of clippings that you would hardly believe.

As a preface to this, I would like to start with the process of this constitutional amendment. On June 3, 1987, citizens of Canada were presented with an amendment to the Constitution of 1982. I believe at that point democracy in Canada hit a new and most dangerous low. The secretive process of this constitutional amendment was perhaps an indication of the contempt the Prime Minister and the 10 provincial Premiers had for the democratic process and the citizens of Canada, a 48-hour secretive, political power trip. But this process was not new, as anyone pursuing the history of the 1982 Canadian Constitution could attest. The imposition of a Constitution without grass-

roots involvement was done by politicians at that time also.

The Opposition Parties appeared to be so glad to welcome the Province of Quebec into the Constitution. I believe they neglected their official capacity to represent all citizens of Canada. We citizens mistakenly thought our political leaders would say, wait, what are we doing, what are you doing, what are the future effects of this amendment? The parliamentary commission set up in Ottawa to hear submissions from the public was essentially a farce when the Prime Minister stated, "not one word will be changed."

Those persons who questioned and those who opposed the Accord were treated to the most extreme statements from the Prime Minister, the Ministers of Government and from Opposition Leaders. Those who so questioned the Accord were labelled bigots and much, much more. Perhaps this could be an indictment of our political system itself.

The process leading to this constitutional amendment was certainly disturbing, that our Government and Prime Minister were planning this amendment in secret smacks more of a totalitarian Government and does not bode well for our future as a democracy.

Whatever possessed our Prime Minister and Premiers to deal with this constitutional issue in secret we will possibly never know, at least not in my lifetime. They probably miscalculated the grass-roots response. The fact that New Brunswick and Manitoba had to have constitutional commission hearings has given time for many persons to question Meech Lake, and changes of provincial Governments have also opened up much discussion.

The Constitutional Accord: The Constitution, as defined by our Oxford dictionary: "a body of fundamental principles according to which a state is governed." The Meech Lake Accord should not be considered an amendment to the 1982 Constitution. We are presented with amendments establishing a set of five constitutional statements at that time which states, "certain portions of the amendment . . . relate to matters referred to in Section 41 of the Constitutional Act of 1982."

The 1982 Constitution was never signed by Quebec but the province has used it to its full advantage, receiving Government loans, etc., and being a full partner among all provinces.

I do not intend to go over all amendments, but to say that none of the amendments meet my criteria of an open, living constitutional document. The interpretation of the various amendments is very crucial and, therefore, my third point is under that statement, interpretation of amendments.

How often we have heard these phrases regarding the Meech Lake Accord. It will be subject to interpretation; the courts will interpret clauses; we can depend on our Supreme Court to interpret the clauses; what does distinct society mean; how does this phrase affect future laws in Canada? Again, we were told that an interpretation will be made. Sign this document and we can go on to the next agenda. I would like to pursue

a layperson's view of the proposed amendment to the Constitution Act, 1982 regarding the Supreme Court of Canada.

The amendment 6, Supreme Court of Canada, states courts established by the Parliament of Canada should be discussed at great length because interpretations by the courts will affect every citizen in Canada. This amendment is almost never mentioned by Government officials or media and, if it is, the amendment is usually stated in historical terms such as we only put in the Constitution what has been done over the years.

How many Canadian persons are aware of how our Supreme Court judges are appointed? I don't know the process involved or what goes on in the background of our justice system to support our Supreme Court judges. It is a matter of trust. We do know we have nine Supreme Court judges, one to be called Chief Justice and eight other judges. This is covered under Clauses 101A, 101B and 101C, and then look what we have under 101B(2).

101B(2) At least three judges of the Supreme Court of Canada shall be appointed among persons who, after having been admitted to the Bar of Quebec, have for a total of 10 years been judges of any court of Quebec or of any court established by the Parliament of Canada or members of the Bar of Quebec.

This is a change from the Constitution of 1982.

Also 101C(1).

101C(1) Where a vacancy occurs in the Supreme Court of Canada, the Government of each province may, in relation to that vacancy, submit to the Minister of Justice of Canada, the names of any of the persons who have been admitted to the Bar of that provinces and are qualified under Section 101B for appointment to that court.

I'll go on to the next one, which is:

(3) Where an appointment is made in accordance with Subsection (2) of any of the three judges necessary to meet the requirements set out in Subsection 101B(2), the Governor General in Council shall appoint a person whose name has been submitted by the government of Quebec.

Then we have No. 4.

(4) Where an appointment is made in accordance with subsection (2) otherwise than that required under subsection (3), the Governor General in Council shall appoint a person whose name has been submitted by the government of a province other than Quebec.

I believe the jury system and a jury of one's peers is fundamental to our democratic system, and we need the best possible jurists in our country without political overtones.

Unfortunately, what we may have is a Supreme Court which is in danger of being politicized, integrity possibly compromised. We look to our courts to interpret justice. We have come a long way in our justice system since King John of England and the power of the King and his judges.

The amendment of 101B(2), stating "3 judges shall be appointed from Quebec" raises many questions. No. 1, how do nine provinces, plus Yukon and Territories, compete for remaining six judges? Do other six judges rule on matters pertaining to Quebec? Do Quebec judges rule on matters pertaining to other provincial jurisdictions? If so, does this not leave a disproportionate number of Quebec judges to rule on matters pertaining to the rest of Canada? These are just questions that I have been given from my family and friends. Another one is, can Quebec also submit names for all other provinces, although 101C(1) states each province "may" submit? How are we to interpret that? If ever we need a change in number of judges, the unanimous veto clause will effectively shut out any possible change.

* (1220)

For at least 20 years, we have seen how the Governments control by using the Supreme Court to interpret laws and to have all parts of Canada conform to how politicians from central Canada perceive Canada to be. Supremacy of Parliament itself is sometimes in question. We may note the rise in power of appointed persons in Government and the growth of quasi-legal commissions for which an increasing need for interpretation by our courts and ultimately the Supreme Court is required.

Add to this fact, Quebec did not sign the Constitution Act, 1982. How would a court interpret the legality of the Meech Lake Accord when one of the Premiers signing it was representative of a province which did not sign the Constitution Act, 1982? Until Quebec signs the 1982 Constitution, there cannot be further amendments, nor should Manitoba sign present 1987 amendment.

I would like you to know I also contacted my Member of Parliament, just in case Quebec did sign the Constitution of 1982 in secret and we didn't know about it.

I would also like to say at this point that my clippings are such that I just clipped another one out yesterday, because in a recent interview Mr. Bourassa said: "Quebec will stay out of the Canadian Constitution and we will continue to develop outside the Constitution." These were remarks made recently in Quebec City when he was interviewed by Sheldon Gordon, editorial page editor of the Financial Times of Canada, and Bertrand Marotte, Montreal bureau chief of the Financial Times.

In there, I am also going to add at this point, because there was a question about Meech Lake in here—in fact, the whole thing was about Meech Lake, and one of the questions was: "What does that mean, 'develop outside the Constitution'? Quebec would still be legally part of Canada," and Bourassa, "Of course. There's no question on my part of doing any blackmail." Mr.

Gordon: "As far as you're concerned, there really is nothing more that can be worked out on the Meech Lake Accord? Not even with a parallel Accord?" And Mr. Bourassa went on to say no. That is essentially what it is, Gordon: "But then Manitoba and New Brunswick will lose their bargaining power. The moment they ratify Meech Lake, what bargaining power do they have for, say, Senate reform?" These are very, very interesting questions and it is a very interesting article.

In conclusion, I would like to say, Canada, particularly as known by citizens outside of the central provinces, is in danger of being put into a constitutional strait-jacket. According to appointed officials and of Government in power, we must conform to their vision of Canadianism by political intimidation and political blackmail in the form of coercion, the issuance of money from the Secretary of State and the Department of Multiculturalism. It is no wonder that western Canadians are finally speaking out.

This Meech Lake has shown how people are affected by this most undemocratic of amendments. The sad fact is our Government has gone to great lengths not to fully inform citizens about the long-term effects of this Accord.

If any of you wrote to your Member of Parliament or Prime Minister, you might have received a political reply or one which would give you no answers at all. I would like to say that my Members of Parliament certainly have been very helpful to me, and that includes all the different politics. However, it took a lot of digging up to find out what I have already found out, because the Government has very cleverly hidden many basic facts and put anyone attempting to speak against the Meech Lake Accord as persons wanting to break up Canada.

There is a feeling or impression that Governments are using departments such as Secretary of State or Department of Multiculturalism to divide and conquer. We will give millions of dollars per year if you vote for the Meech Lake Accord is a particular quote. It is impossible to find out the cost of different programs since they are spread over so many departments. For instance, in 1983 to 1984, the estimates for the Official Languages Program were \$454,586,000.00. It seems to me that in many instances it is spending gone mad.

Western Canada has been particularly affected by central Canadian attempts to have the West conform to this constitutional strait-jacket. During the last 20 years, as I said, this has been much noticed by people in the West. The West was settled by families from all over the world coming to Canada, not only to improve their economic circumstances but also to escape to a free country where they and their future families had a chance to grow. Many people were politically active and fearful that power can endanger thought, ideals and freedom of association.

Members of my family outside Manitoba made the observation that the citizens of Manitoba are able to comment on the Meech Lake Accord, for which we are grateful. If this provision for constitutional discussion were given to people in all other provinces, the other provincial Legislatures would not have been able to

pass the Meech Lake Accord. My family says, each province should have public hearings before Constitutions can be amended.

We are all of us minorities or majorities in one way or another. I would like to say that most western people would not vote for this Accord, and no so-called parallel Accord can be considered as the concept is too flawed. It will take much courage and foresight to withstand the tremendous pressure from the federal Government.

To my parents who immigrated from Poland and the Ukraine, to my stepfather who immigrated from Scotland, and my immediate brother, sisters and their families; to my husband's parents, a father who immigrated from England with his widowed mother, brother and sisters, and mother who immigrated from the United States of America and whose parents, in turn, immigrated from Norway and Sweden, and his sisters and their families; and our in-laws by marriage, nieces, nephews and their families who also represent peoples from England, Germany, Iceland, Scotland, Belgium, U.S.A., United Empire Loyalist, Czechoslovakia, Hungary, France, aboriginal, and maybe I could go on, our family, I am sure, is representative of families all over the West. In other words, we have a quite a western open society, and this was long before the word multiculturalism was in favour.

I would also like to say I am sorry most of our family and friends did not have the opportunity to express their opinions on Meech Lake. So, for my sister-in-law and family in British Columbia, my sister and brother and their families in Alberta, two sisters and their families in Saskatchewan, brother and family in Ottawa, Ontario, sister and family in New Brunswick, I dedicate my thoughts to our distinctive Canadian family. This was achieved with concern for our neighbours and with love of family and country. Yours respectfully.

Mr. Chairman: Thank you, Mrs. Mills. Our next presenter, Mr. Al Mackling.

Mr. Al Mackling (Private Citizen): Good afternoon.

Mr. Chairman: Good morning, sir, or afternoon indeed.

Mr. Mackling: I will get right down to business. The Meech Lake Accord should be set aside and a new process established for the development of a Canadian Constitution.

The system followed in Canada since Confederation for the development and amendment of our Constitution has been both undemocratic and characterized by political elitism.

The system is based on elected provincial leaders striking deals in private, then publicly committing themselves to those arrangements, and for the sake of their own political credibility arguing that their decisions must be adopted unchanged. Once a Premier or a Prime Minister has publicly committed himself or herself, it makes it very difficult for any impartial critical review of the proposals for to do so would be to question that leader's competence. This kind of system for

constitutional change is wrong and ought to be replaced by a process that allows for a national consensus, where options are proposed, reviewed and recommended by a broad spectrum of political, economic and social view.

Fortunately, for Manitobans, our former Premier Howard Pawley gave us an opportunity to question the Meech Lake proposals and the serious problems that they raised. I would like to direct the committee to the language and specifics of the Accord in two areas. First and probably the most important, let's look at the first preamble where we find this statement, "would recognize the principle of equality of all the provinces." Does any one of the signatories really believe that? If it is not to be understood in its plain language but had some other meaning explained to the Meech Ministers, what does it mean?

* (1230)

Is Prince Edward Island equal to Quebec? Is Manitoba equal to Ontario? In what way are the provinces supposed to be equal? They probably meant equality in the right to pass laws and develop programs within their respective territories, but because the provinces are not equal in resources, population and fiscal ability, how can provinces develop similar or like programs and benefits for their people unless there is a sharing of wealth through a greater emphasis on equalization? Where in that preamble is the emphasis on greater sharing of our national resources?

Then looking at proposal Section 95B(3) in reference to Agreements on Immigration and Aliens, the fact that specific reference is made to the Charter of Rights and Freedoms being paramount in that area underlines its absence elsewhere in the proposed changes and strengthens the arguments of those who argue that by its wording the Accord's new provisions override the Charter.

The Meech Lake proposals do not specifically protect the hard-won historic rights of women, nor do the Meech proposals adequately protect the rights of Canada's first people—the aboriginal peoples of Canada. A further resolution of the aboriginal rights issues should not be deferred but rather addressed at the same time as other constitutional changes are considered.

The Meech Lake proposals do not strengthen the nation, Canada, but would seriously reduce the right of a national Government to initiate national programs to ensure the economic and social well-being of Canadians in all regions of Canada. We are a country of vast natural resources but they are not equally distributed throughout our provinces and territories.

Historically, Canadian Governments of differing political views held common purpose to ensure that through the utilization of public infrastructure, our nation would be held together economically and socially despite the immediate proximity of a North American giant, whose leaders from the outset believed their country's manifest destiny to be the control of the entire continent.

We used national Government funding to build a national railway system, a national airline system, a

national communication system, to name only the major economic infrastructures of Canada.

We used national Government funding to provide for greater equalization of tax revenues for all of Canada because it was early recognized that while the provinces and territories form one nation, of themselves they are not equal in resources, population, programs and revenues.

We used national Government funding to provide a social net to protect Canadians—Old Age Pensions, Family Allowances, Social Assistance and Unemployment Insurance.

We used national Government funding to establish a health care system vastly superior to that of our giant neighbour to the south.

Now we see a national Government with an obsession to follow a North American market-driven society where privatization of our public institutions and Crown corporations is enshrined as a national goal.

Now we see a national Government with an obsession that private funding through Registered Retirement Savings Plans, or RRSPs operated by private financial institutions, are to become more important than the strengthening of the Canada Pension Plan.

Now we see a national Government that derided the concept of a free trade pact with the United States while in Opposition, now in Government has pushed through a trade deal that will ensure American dominance of our economy. The Americans will be able to buy and control virtually any and all of our natural resources and have the unfettered right, through their vastly superior economies of scale in large-scale manufacture, to control our markets.

Now we have a Government that would weaken the national Government's right to develop and fund national programs, since under Meech Lake more power is given to each province, and a federal Government willing to allow the continentalization of North America can excuse its inability to deal with national, social and economic issues by blaming provincial intransigence, delay or opposition.

We would not have the social, health, and economic infrastructure we now enjoy if the Meech Lake proposals had been in effect from Day One in our history as a nation.

The Meech Lake proposals, providing for the enshrining of a veto to the provinces on further change, will frustrate the historic evolution of our Constitution. The veto, given to the provinces by the requiring of unanimity on the admission of new provinces is an insult to the Territories of Canada who naturally aspire to their eventual admission as full provinces of Canada, as was the case with the western provinces.

There are some who advocate that the Meech Lake proposals, while admittedly posing some problems, should be passed as they are, then repaired later. How can they expect anyone to believe that those leaders, who now insist that it is their set of proposals or nothing else, would later all be willing to make constructive changes?

There are some who condemn our present constitutional provisions because Quebec was not a signatory to the 1981-82 arrangements. I would suggest a new radical approach to Quebec's determination to protect its unique or, distinct society.

Why don't we all agree that Quebec is different from the rest of Canada. By virtue of the Quebec Act of 1774, Quebec's laws and religion were identified and protected. From Canada's earliest beginnings, Quebec was accorded a different status than the rest of Canada. Why not ask Quebec to confirm how much more different they want to be? It is not likely that they will want to forego all of the benefits of Canadian nationhood. It seems to me that if they are once faced with the reality of deciding what further independence they really need, they would soon realize that a relatively small area of change would be acceptable.

My approach to Quebec would be more pragmatic and, I believe, helpfully sympathetic. I would simply ask, how much more different do you want Quebec to be within Canada? Let us try and resolve what further areas of social, economic or political independence would make the people of Quebec happier in their Canadian home and see if we can come to a consensus.

Would a new constitutional agreement for Quebec see a demand that Quebec have its own Army and Navy, its own money system, its own weights and measures and standards?

The people of the world everywhere wrestle with like problems of cultural and linguistic groups within nation states being restive and wanting more control over their lives because they constitute unique or distinct groups within a larger whole. Perhaps through a constructive, pragmatic, rational process of constitutional reform in Canada, we can provide badly needed leadership to the world in those areas of great difficulty for many nation states.

The latest round of acrimonious rhetoric about the notwithstanding clause indicates how badly our constitution-making process has functioned when it is left to a handful of politicians who see their perceived role as the only ones who determine the constitutional make-up of Canada and whose deals are struck on the basis of political bargain.

For the historical record, our present Prime Minister should be advised that the notwithstanding clause was insisted upon by former Premier Sterling Lyon, now Justice Lyon, who believed that the Legislature of a province and Parliament, not the courts, should make and decide the laws by which we are governed. Probably, the notwithstanding clause itself is too broadly worded and should be narrowed to ensure that individual rights cannot be readily abrogated.

However, one can cite many situations where reasonable people would not want to allow judicial interpretation of our Constitution to remove the right of Parliament or the Legislature to provide for the reasonable use of law to promote the public interest. I'll cite just two examples, protecting the elderly and the young from abuse from even their own families for one. Another major example, surely we would not want

to prevent the development, through duly elected Governments, of social or economic programs because private sector programs already exist.

* (1240)

What is needed now is a calm, organized, broadly based consideration of options to strengthen the Canadian Constitution, while providing the fullest development of Quebec as a different but exciting and viable part of Canada; a Canada rich in its diversity and depth of culture, not only because of the French and English and European settlers who emigrated to Canada, but also by reason of the Native people who dwelt in Canada before European settlers arrived; finally, by reason of the numerous racial and ethnic groups who have come later from all over the world and whose cultural values enrich our cultural mosaic, a cultural mosaic that exhibits tolerance of racial and linguistic difference and demonstrates to the world that differing racial, linguistic and cultural groups can live and flourish in peace and harmony.

Let us take the time to do a good job of fashioning our Constitution. It does not have to be completed in a limited time frame to satisfy the egos of a limited number of politicians.

This committee of the Legislature should recommend that a new process be developed that will involve a broad cross section of Canadians, including but not exclusively politicians, to develop and recommend options for constitutional change.

Mr. Chairman: Thank you, sir. Just a gentle word of correction, it is not a committee of the Legislature. It is a special Task Force.

Mr. Mackling: Task Force, true.

Mr. Chairman: Thank you.

Mr. Mackling: I recognize your worthy presence, Mr. Chairperson, on that Task Force.

Mr. Chairman: Thank you. Questions? Mr. Carr.

Mr. Carr: Mr. Mackling, I am particularly grateful that you've come forward to make your opinions known to this Task Force, because you were a Member of the Pawley Cabinet at the time Mr. Pawley signed the Meech Lake Accord.

In the first page of your presentation, you talk about process. I think you are uniquely positioned to inform and enlighten us about the process that led up to the Meech Lake Accord, as a former Member of a Government that was involved in that process. I wonder just how free you may feel to enlighten us about how it worked in Manitoba, what the relationship was between the Premier and his Cabinet colleagues in the discussions that led up to Meech Lake and the aftermath of it?

Mr. Mackling: I am happy to deal with that question, Mr. Carr. You know the process involved Mr. Mulroney

closeting the Premiers on occasions without anyone else being present, any other advisers being present, and insisting upon a conclusion to their deliberations. Of course, other Members of the Legislature, other Members of the provincial Government were not privy to those discussions.

As my paper indicates, conclusions were reached and then there was a reporting back. A Premier is forced to put his name on a document or he's not playing the game. I don't want to fault Mr. Mulroney, although I have lots of fault to find with him alone. Mr. Trudeau followed this same practice, not the same pressure exactly, because I was involved as a former Attorney General and I know whereof I speak. We met in Victoria, and we almost had a constitutional agreement there but Mr. Bourassa, the same Mr. Bourassa who is Premier of Quebec now, left the room. We thought we had an understanding, it was thought a fair understanding, but he left the room, made a phone call, came back and said there's no deal.

The process has been wrong, it's been wrong not simply by Mr. Mulroney or his advisers, but even by Mr. Trudeau and his advisers and Governments before. We have not had in this country a constitutional-making process that has involved the people, that has involved the broad political perspective, as well. There are times in Canada when you can have a political Party in power in a province with less than 50 percent of a mandate. They can be elected with, in the present case in Manitoba, much less than 50 percent of the popular vote. They are duly constituted as a responsible Government. That's the way we function in Canada and there is nothing wrong with that. On constitutional matters we should, as my paper indicates, take the time to involve the people.

Every political Party should have its say and every group within society should have its say. I'm thankful, as I've indicated, that our Premier—then I understand he argued strongly that the process we're involved in now should take place right across Canada, and that was denied. I say, I'm very grateful that we do have this process in Manitoba. We learned something in respect to the French language debate that we had in this province, that the people are interested and want to be involved. You don't strike a deal and say, this is it. Thank you.

Mr. Chairman: Thanks very much, Mr. Mackling. While Mr. Mackling was speaking, I was pleased to welcome Mrs. Iva Yeo, the Member of the Legislature for Sturgeon Creek who is replacing Mrs. Carstairs until we return this afternoon. Our next speaker is Mrs. Shirley Jo Paine and Ms. Susan Derk, representing the Manitoba Association of Registered Nurses.

Mrs. Shirley Jo Paine (Manitoba Association of Registered Nurses): Thank you, Mr. Chairman.

Mr. Chairman: Good afternoon, ladies. Thank you. Please proceed.

Mrs. Paine: Thank you. I'm Shirley Paine and I'm accompanied by our executive director for the MARN,

Susan Derk. We're very pleased to have this opportunity to explain our position on the constitutional Accord.

The Manitoba Association of Registered Nurses (MARN) gratefully acknowledges permission granted by the Canadian Nurses' Association and the Nurses' Association of New Brunswick to quote or adapt, in whole or in part, its work on the Meech Lake Accord.

The Manitoba Association of Registered Nurses is an association comprised of approximately 11,000 members. The Registered Nurses Act provides corporate status to the MARN and makes the association subject to both the Registered Nurses Act and the Corporations Act. Within the boundaries of the provisions of both Acts, the MARN has the capacity, rights, powers and privileges of a natural person. The association is governed by its board of directors comprised of 25 individuals, some elected and some appointed.

We welcome the opportunity to present our views, specifically on the spending powers section of the 1987 Constitutional Accord.

The MARN commends the efforts of the Government to develop an agreement that would allow Quebec to become a full political partner in Confederation. However, there are some grave concerns with respect to the effect of the constitutional Accord on the Canadian health care system. The MARN believes that if the cost of the Meech Lake Accord is to dismantle the Canadian health care system, the price is too high.

According to the Accord, it will be possible for provinces to opt out of future cost-shared programs. There is an extreme danger that provincial Governments could choose not to participate in new national health care-related programs which may be developed. This action will put into question the universality, accessibility, portability and comprehensiveness of our national health care system.

The maintenance of a universal health care system is of paramount concern for all Canadians. The MARN strongly supports this principle and believes that universality could be threatened by the Accord. The public system for health care in Canada must remain accessible and portable.

* (1250)

The evolution of health care prior to the '50s and '60s did not provide health care for all. During the '50s and '60s, through a national effort with strong national leadership, it was possible to provide a health care system that has become the envy of many countries. The MARN believes that if the Canadian health care system does not have a strong national presence, its demise may be inevitable.

In 1984, the Canada Health Act was passed by a unanimous vote of Parliament. Many Canadians now view the fundamental principles upheld or reaffirmed by the Canada Health Act as basic rights. If the destiny of the health care system had been left to the provinces, these rights would now be eroded. It is because of the strong national legislation that it was possible to curtail this movement of the provinces.

The MARN believes that the Government has a responsibility to ensure that the principles of universality, accessibility, portability and comprehensiveness are not lost through unilateral provincial action made possible, indeed encouraged, by the Accord. Careful consideration must be given not only to the continuation of strong national leadership but also to the obligation which provinces must accept in contribution to this leadership.

The MARN's concerns regarding the constitutional Accord pertain to the limiting of federal spending powers and the potential for diversion of funds intended for health care. Section 106A, as amended, of the Accord would allow the Government of Canada to provide compensation to provinces that choose not to participate in a national shared-cost program established federally, so long as the province carried on a program compatible with the national objective. The specific wording of the proposed new provision is as follows: "The government of Canada will provide reasonable compensation to the government of a province that chooses not to participate in a national shared-cost program that is established by the government of Canada after the coming into force of this section in an area of an exclusive provincial jurisdiction, if the province carries on a program or initiative that is compatible with the national objective."

The MARN's first concern with Section 106A pertains to the definition of "compatible." Compatible could mean "conform to," "similar to," or merely "not in opposition to."

A second concern relates to the definition of "national objective." It has been suggested that this may be interpreted as the lowest common denominator for provincial compliance, or more simply as an unmeasurable statement of good intent. The potential consequences of such ambiguity are frightening and threaten the national character of our health policy.

One such example might be if the Canadian Government decided to offer a primary health system, as it has agreed to do with the World Health Organization, as a strategy to meet future needs of the population. For instance, it could offer blocks of home care for senior citizens. One province could indicate that they have no interest and would rather use the money to develop clinics for mothers. Therefore, that province would not have home care for senior citizens but would provide clinics for mothers by claiming that overall health services meet national objectives.

A third concern of the MARN relates to the consequences of allowing provinces to opt out of national shared-cost programs. It is ironic that only five years after Parliament unanimously voted to adopt the Canada Health Act, Canadians are once again faced with a situation where universality and accessibility are threatened. The opting-out provision in the Accord effectively reduces the federal Government's spending power and could result in the diversion of funds intended for health care. Provinces will be under considerable pressure to use their limited resources in ways that may not serve the best interests of the Canadian population as a whole.

Indeed there is a general consensus that had the opting-out principle existed in 1984, the Canada Health

Act would not have been accepted, given the political will of the provinces at that time. As the professional association for registered nursing in this province, the MARN is mandated to provide for the welfare of the public as it pertains to health care. The MARN cannot support, in fact it strongly objects to, an agreement that could limit the accessibility and universality of health care services in this country.

Many Canadians now consider those four main tenets of the Canada Health Act—universality, accessibility, portability and comprehensiveness—to be basic rights. The less emphasized fifth tenet, the public administration of the plan, is to be maintained through strong Government representation. The maintenance then of the universal health care system is of paramount importance to all Canadians.

The MARN supports the maintenance of a truly national health care system and believes that accessibility and universality could be threatened by the Accord. The Government must ensure that the present principles and standards of the national health care system are not lost through modified fiscal arrangements. The MARN requests that careful consideration be given not only to the continuation of strong national leadership but also to the obligations which the Province of Manitoba must accept to contribute to this leadership.

If our health care system is to meet the foreseen requirements of the 21st Century, reform will be needed to meet these changing demands. The MARN not only supports the existing health care system but also recommends the maintenance of a national structure which allows reforms to take place and benefit all Canadians, regardless of the province in which they live.

The MARN is in agreement with the Canadian Nurses' Association and the Nurses' Association of New Brunswick on the proposed solutions to this dilemma:

1. That the health care system be excluded from Clause 106A of the 1987 constitutional Accord;
2. That there be no opting out of shared-cost programs; and
3. That a national health care program not be based merely on a broad interpretation of a national objective but should involve specific standards relating to a specific program that the federal Government wants to put in place.

Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you. No questions? Thank you again. Is Mr. Chartier here?

Mr. Richard Chartier (Private Citizen): Yes, I am.

Mr. Chairman: Sir, if you are going to be any longer than 10 minutes, I can't take you now, I am afraid. How do you see that?

Mr. Chartier: It will be more than 10 minutes.

Mr. Chairman: Is Mr. Ages here?

Mr. Robert Ages (Private Citizen): Yes, I am.

Mr. Chairman: Will you be longer than 10 minutes, sir? We must break at five to one.

Mr. Ages: It is five to one now.

Mr. Chairman: Oh, my watch maybe is—oh, we are going to adjourn then until two o'clock. We will carry over those who have not appeared this morning until this afternoon.

* (1400)

RECESS

Mr. Chairman: Good afternoon, ladies and gentlemen, welcome to the afternoon session of the Manitoba Task Force on Meech Lake. We are, in fact, running a little behind on our morning session, we still have some presenters from the morning to hear. We will move as expeditiously as we can to this afternoon's list. I would ask that you might consider the judicious shaving of a minute or two off your presentations to help us with our problem. The rule is that you will be allowed a maximum of 20 minutes to speak; you will hear a bell after 15 minutes which indicates, obviously, you have five minutes left; and the second bell we would ask you to conclude your presentation. There will then be a 10-minute period allowed for questions from the Task Force Members.

I would ask you if you have written briefs and have not already done so, would you be kind enough to give them to Ms. Greschuk who is now just moving up the aisle? She is our assistant secretary and, having received your briefs, we will see that the appropriate people have them before you actually begin your presentation.

It is my pleasure to introduce my colleagues on the Task Force. First, the Premier of Manitoba, the Honourable Gary Filmon; next, the Leader of the Liberal Party in Manitoba, Mrs. Sharon Carstairs; representing Mr. Gary Doer, the Deputy Leader of the New Democratic Party, Ms. Judy Wasylycia-Leis; the Honourable Jim McCrae, Attorney General for Manitoba; the Honourable Gerrie Hammond, the Minister of Labour, Minister for the Status of Women, Province of Manitoba; and by no means least, Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba. I am Wally Fox-Decent, ladies and gentlemen.

Our first presenter this afternoon is Mr. Richard Chartier.

Mr. Chartier: Mr. Chairperson, Members of the Task Force, I will do two things this afternoon which I think the Task Force isn't used to. First of all, I will be speaking in favour of the Meech Lake Accord; and, secondly, I will be speaking in both English and French so if you could have the simultaneous translation earphones ready.

Mr. Chairman: Before you begin, sir, if I may, the simultaneous translators are ready and anyone who

would like a translation device, they are at the back of this room in quite sufficient numbers. I hope, for everyone and if you tune to Channel 4 you will get the translation. S'il vous plait, Mr. Chartier.

Mr. Chartier: Monsieur le président. My name is Richard Chartier. I am glad to be able to appear before the Task Force on the Meech Lake Constitutional Accord to let my personal views be known on this Accord. Being a Manitoban whose first language happens to be French, questions dealing with language minority rights have always hit close to home and have always been a hot topic around the supper table and with colleagues at work.

* (1410)

Though I am a lawyer by profession, I speak to you today as an individual whose life is affected in certain ways whenever a question of linguistic rights surfaces in Canada and particularly in Manitoba, and that happens quite often.

J'aimerais adresser deux questions cette après-midi, soit la clause de la société distincte et la question de l'effet de cet accord sur les minorités de langues officielles.

Je dois aussi spécifier que mes commentaires sont toujours dans le contexte suivant: c'est-à-dire que la raison d'être de l'accord du lac Meech est de ramener le Québec dans la famille constitutionnelle canadienne et non pour étudier la validité du sénat actuel ou d'améliorer les garanties constitutionnelles pour nos autochtones. Le Québec a énoncé cinq conditions pour que le Québec participe au processus de changement constitutionnel. Ce sont d'abord:

1. La reconnaissance du Québec comme société distincte;
2. Le rôle accru pour le Québec en matière d'immigration;
3. Participation du Québec à la nomination des juges de la cour Suprême du Canada;
4. Limitation au pouvoir de dépenses du gouvernement fédéral et finalement:
5. Veto pour le Québec sur les modifications constitutionnelles.

Lorsque ces cinq questions ont été discutées avec les autres premiers ministres des provinces, les réactions de ces derniers étaient que si eux ont le droit de veto, nous aussi devons avoir le droit de veto. Si eux ont le droit de participer à la nomination des juges de la cour Suprême, nous aussi devons avoir ce droit là. Finalement, ce qui est arrivé, c'est que les premiers ministres se sont mis en accord à ce que chaque province aie certaines juridictions dans le domaine d'immigration, dans la nomination des juges, dans la limitation du pouvoir de dépense du gouvernement fédéral et le droit d'avoir un veto sur certaines questions. Et c'est comme cela qu'on a eu l'accord du lac Meech.

(Translation)

I would like to discuss two questions this afternoon, those being the "distinct society" clause and the

question of the effect of this Accord on official language minorities.

I would also like to indicate that I am making these comments in the following context; that is to say that the *raison d'être* of the Lake Meech Accord is to bring Quebec into the Canadian constitutional family, and not to study the validity of the Senate in its present form, or to improve constitutional guarantees for our aboriginal peoples. Quebec set down five conditions for its participation in the process of constitutional change. These are:

1. The recognition of Quebec as a distinct society.
2. An increased role for Quebec in the area of immigration.
3. Participation of Quebec in the appointment of judges to the Supreme Court of Canada.
4. A limitation of federal Government's spending power.
5. A veto for Quebec on constitutional amendments.

When these five points were discussed with the other Premiers, their reaction was to say that if Quebec had the veto right, so should they. If Quebec had the right to participate in the appointment of judges to the Supreme Court, so should they. Ultimately, what happened was that the First Ministers agreed that each province would have certain jurisdiction in the area of immigration, the appointment of judges, the limitation of federal Government spending power, as well as veto rights on certain questions. This is how the Meech Lake Accord came to be.

(English)

A lot of people have criticized this Accord, not for what's in it, but for what's not in it. There have been legal opinions that this Accord will in some way diminish or limit rights for women in Canada, or rights for our native Indians. We all know that for five legal opinions saying one thing, you can get another five saying the contrary. Nevertheless, should the courts say, for example, determine that women's rights in Canada have been limited or negatively affected by this Meech Lake Accord, I am quite confident that it would not take much time for our elected officials to correct this wrong. So again, my comments are made on the premise that the reason for Meech Lake is to get Quebec back to the constitutional table in order to be able to talk about some other matters that are probably more pressing to the West as is Senate reform.

Dealing first with the "distinct society" clause, anybody who has travelled to the Province of Quebec knows that it is different and distinct from the rest of Canada. It is the only province with a French-speaking majority which co-exists with a vigorous English-speaking minority. It also has a number of long-standing distinct institutions and traditions, one of them being the civil law.

I would like now to turn to the question of how Quebec's distinctiveness is being recognized. The

vehicle for doing so is what is called an interpretation clause. This means that in interpreting the Constitution, the courts will be obliged to take into account "the recognition that Quebec constitutes within Canada a distinct society." Permit me to make a couple of points on this.

First of all, such an interpretation provision is not new. The Constitution Act of 1982, recognized our multicultural heritage in Section 24 and aboriginal rights in Section 25 in similar interpretation clauses. In so doing, the Act obliged the courts to take into account two major aspects of Canadian society, which has not resulted in anyone's rights being taken away or overridden.

Secondly, this "distinct society" clause must be read together with the provision respecting Canada's linguistic duality, which specifically mentions English-speaking Quebecers.

It is fair to say then that in recognizing Quebec's distinctiveness, we are making this as a more explicit factor of constitutional interpretation. There is no doubt on that point, but we are doing so based on experiences since 1982 with two other interpretation provisions and in full knowledge that the "distinct society" clause will operate as one of a number of factors when the courts assess the constitutionality and validity and Charter validity of legislation.

When the Premier of Quebec commented that—I've got it in quotation marks but he said something to the effect that: "Had Meech Lake been ratified, Quebec would not have been obliged to use the notwithstanding clause because of the existence of the 'distinct society' clause," and this raised a number of concerns with many Canadians. The Premier of Manitoba's reaction to this was clear and decisive. He put Manitoba's ratification of the Meech Lake process on hold and this has allowed Manitobans and the Government of Manitoba a chance to take a second look at the "distinct society" clause.

Je prends l'opportunité qu'on a reçu du Premier Ministre Filmon pour examiner cet aspect de l'Accord. Plusieurs sont contre cette clause de société distincte simplement parce qu'ils croient que le Québec ne mérite pas et ne devrait pas recevoir un statut spécial.

Je me souviens des propos de Premier Ministre Trudeau lorsqu'il fut élu en 1968; il disait que le Québec ne devrait pas recevoir un statut spécial dans la Confédération. Il mettrait le Québec à sa place et cette place était au sein du Canada. Il disait aussi que les Québécois devraient se sentir chez eux à travers le Canada et les anglophones à l'aise au Québec. Par la suite on a eu 20 ans de cette vision d'un Canada bilingue de mer en mer, une vision qui a été rejetée par la plupart des Québécois et par la plupart de l'ouest du Canada.

(Translation)

I am taking the opportunity made available to us by Premier Filmon to examine this aspect of the Accord. Many are against this "distinct society" clause simply because they believe that Quebec does not deserve and should not be granted special status.

I recall the words of Prime Minister Trudeau when he was elected in 1968. He said that Quebec should not be given special status within Confederation. He would put Quebec in its place, and its place was within Canada. He also said that the Quebecers should feel at home throughout Canada and that Anglophones should feel comfortable in Quebec. We subsequently had 20 years of this vision of a bilingual Canada from sea to sea, a vision which has been rejected by the majority of Quebecers and by most of the Canadian West.

(English)

Contrary to what Trudeau preached, I believe that Quebec is distinct from the other parts of Canada and I see no wrong in recognizing that through the "distinct society" clause. While the notwithstanding clause is not connected to the Meech Lake Accord, a comparison of Section 33 to the "distinct society" clause can contribute to a better understanding of both in my view. The notwithstanding clause is a grant of real or substantive power to Legislatures. It empowers them to do something. In contrast, the "distinct society" clause confers no new power on the Quebec Legislature or any Legislatures. It is an interpretation clause only, a direction to courts to be used in considering cases.

Quebec's use of the notwithstanding clause in its new language law was brought about by the Supreme Court's decision in November or December of '88 in the Brown case and in the Singer case. Little attention has been accorded to what the Supreme Court justices have said specifically—and I refer now to the Brown case—in considering whether the commercial sign laws which required those signs in Quebec to be in French only, whether they were justified under Section 9.1 of the Quebec Charter and Section 1 of the Canadian Charter.

The Supreme Court in the Brown case ruled that those strict requirements were not justified in a free and democratic Quebec society. The Supreme Court, in concluding the way it did, examined closely Quebec society and its distinctiveness, and stated at page 128 of the 145 page judgment that—and I quote, and the reason I quote and the reason I will read it is that I would like the Members of the Task Force to refer to Subsection 2(3) of the Meech Lake Accord, which states that "The role of the legislature and Government of Quebec is to preserve and promote the distinct identity of Quebec,"—the key words being preserve and promote the distinct identity of the society—because the Supreme Court justices in the Brown case used those same very words:

"Since the evidence put to us by the Government show that the predominance of the French language was not reflected in the 'visage linguistique' of Quebec, the governmental response could well have been tailored to meet that specific problem and to impair freedom of expression minimally. Thus, whereas requiring the predominant display of the French language, even its marked predominance, would be proportional to the goal of promoting and maintaining"—and those are the words that the

Supreme Court justices have used—"a French 'visage linguistique' in Quebec and therefore justified under Section 9.1 of the Quebec Charter and Section 1 of the Canadian Charter, requiring the exclusive use of French has not been justified."

So they have considered this distinctiveness of Quebec and even considering that distinctiveness, they have said, sorry, that is not justified by virtue of Section 1 of the Canadian Charter. The point I am trying to make is that even if Meech Lake had been ratified, the Supreme Court justices would have come to the same conclusion, and Bourassa would have been forced to use the notwithstanding clause, even had Meech Lake been ratified.

I won't continue reading through the rest of the quotation of the citation because you can read it for yourself, but it always refers to this distinctiveness, to the Quebec society, and how they have to take into account the English aspect of Quebec, because that is a reality and that is part of Quebec's distinct society. That is why they ruled that French could be the first language on signs or even a marked predominance, but you cannot say that it must be exclusive. You have to allow other languages.

* (1440)

So it seems to me, in my humble opinion, that the Supreme Court ruled the way it did by already considering Quebec's distinctiveness and had Meech Lake been ratified, the decision would have remained the same.

My second point deals with linguistic rights in Canada. As I mentioned earlier, Trudeau had a vision of Canada being one of a bilingual country where French-speaking Canadians could feel at home in the English-majority-speaking provinces and where the English-speaking Canadians could feel at home in the Province of Quebec. Well, this wasn't accepted by most western Canadians and it wasn't accepted by most Quebecers.

This Trudeau vision would be eliminated by the Meech Lake Accord, and that is one of the reasons why Trudeau was so opposed to this Accord. Meech Lake states quite clearly that in terms of linguistic rights, Quebec would be a French-speaking province with certain rights accorded to its English-language minority and the rest of Canada would be English-speaking provinces with certain rights accorded to its French-speaking minority.

I would have thought that this Accord would have been embraced by those western Canadians who were opposed to Trudeau's vision of Canada. I could only come to the conclusion that the reason that maybe some western Canadians do not accept Meech Lake and do not accept Trudeau's vision is that they have a third vision of Canada, one of Canada being an English-speaking country with certain rights for the French-speaking citizens in the Province of Quebec. That third vision would be totally unacceptable to the seven million French-speaking Canadians of our country, and I dare say would be unrealistic, so we've got really two visions.

C'est pour cette raison là que je me sentirais plus à l'aise comme Manitobain dont la langue première est

le française, avec une constitution canadienne qui dit que le Québec est une province française avec certains droits pour la minorité anglophone et que le reste des provinces sont anglaises avec certains droits à la minorité francophone. Ceci apaiserait les tensions linguistiques au Canada et créerait, à mon avis, un climat plus détendu.

Monsieur le Président, j'irais même peut-être une étape plus loin que l'accord du lac Meech. Afin de rendre plus certaines les situations linguistiques au Canada on devrait étudier la possibilité d'établir des zones désignées bilingues dans chacune des provinces. Dans ces zones bilingues, les citoyens qui y demeurent, auraient le droit de recevoir les services gouvernementaux au niveau municipal, scolaire, provincial et fédéral dans l'une ou l'autre des langues officielles du Canada. Si quelqu'un veut déménager à la ville de Winnipeg et voudrait avoir les services en français, il devrait s'établir par exemple dans la zone de St-Boniface/St-Vital. Si quelqu'un voudrait déménager dans la province du Québec et voudrait avoir des services en anglais et le droit d'envoyer ses enfants dans les écoles anglaises, il ou elle devrait déménager dans la partie ouest de la ville de Montréal ou dans certains secteurs des Cantons de l'Est ou dans la région d'Ottawa/Hull.

(Translation)

It is for this reason that, as a Manitoban whose mother tongue is French, I would feel more at ease with a Canadian Constitution that says that Quebec is a French province with certain rights for the Anglophone minority and that the rest of the provinces are English with certain rights for the Francophone minority. This would ease the linguistic tensions in Canada and would, in my opinion, create a more relaxed climate.

Mr. Chairman, I might even go one step further than the Meech Lake Accord. In order to make certain linguistic situations in Canada clearer, we should consider the possibility of establishing designated bilingual zones in each of the provinces. Citizens living in these zones would have the right to receive Government services at the municipal, provincial and federal levels as well as services related to education, in either one of the official languages of Canada. If someone wished to move to Winnipeg and wanted to have access to French language services, they would have to settle in the St. Boniface-St. Vital zone. If someone wished to move to Quebec and wanted services in English and the right to send their children to English schools, they would have to move to the western part of the City of Montreal or to certain sectors of the Eastern Townships or the Ottawa-Hull region.

(English)

These bilingual zones which already exist in certain regions of the world, would make the linguistic situation in Canada a lot more certain and eliminate any fear that western Canada could become French or that Quebec could become English. It would stop the minority language groups of being political footballs and that is really what the point I am trying to make. I am tired of being a political football.

I feel that if Meech Lake is ratified and if bilingual zones are created, one would hope that the language crisis that seems to come up too often would disappear, and we could then focus our attention to a more immediate and pressing problems, such as putting Manitoba back on the right economic track.

I know my views won't be those of the Government-funded French-speaking organizations of Manitoba, but being, I dare say, a very pragmatic person, and I feel that the Meech Lake Accord is a pragmatic document, I do feel that they reflect the views of a fair number of Manitobans whose first language happens to be French.

Those are my reasons for supporting the Meech Lake Accord. I thank you for listening to my views. Merci pour votre attention. (Thank you for your attention.)

Mr. Chairman: Merci beaucoup pour votre présentation. (Thank you for your presentation.) Des questions? Questions? Mrs. Carstairs.

Mrs. Carstairs: M. Chartier, vous dites que les cours protégeraient les droits des femmes. Mais les femmes du Manitoba croient que les droits doivent être protégés par la constitution. Quoi répondez-vous à leur position?

(Translation)

Mr. Chartier, you said that the courts would protect the rights of women. Women in Manitoba, however, believe that their rights should be protected by the Constitution. How do you respond to this position?

Mr. Chartier: Si j'étais convaincu que les droits des femmes seraient limités, ou affectés d'une façon négative, par cet accord, je serais contre cet accord. Mais, dans mon opinion, ce n'est pas le cas. Et dans l'opinion de plusieurs experts légaux, ou dans certaines organisations féminines, certains au Québec eux-mêmes, n'ont pas de problèmes avec ça non plus. Mais si jamais c'était le cas, je serais contre l'accord. Mais, disons que je me tromperais. Je crois pas, que étant la situation actuelle au Canada, que s'il y a un tort contre les femmes, ceci serait corrigé immédiatement. Ceci sont mes impressions, mon opinion personnelle.

(Translation)

If I were convinced that the rights of women would be limited or negatively affected by this Accord, I would be against this Accord. However, in my opinion, this is not the case. Numerous legal experts, and certain women's organizations, some of which are based in Quebec, do not have any problem with that either. However, if this were the case, I would be against the Accord. But let's say that I am wrong. I am saying that given the current situation in Canada, if a wrong is done to women, it would be corrected immediately. These are my impressions, my personal opinion.

(English)

Mr. Chairman: Autres questions? (Other questions?) Again, thank you very much, Mr. Chartier.

Mr. Chartier: Thank you.

Mr. Chairman: Our next presenter, Mr. Robert Ages, representing the Manitoba Coalition Against Free Trade.

Mr. Ages: Like the other speakers, I'd like to thank the Task Force for this opportunity to address you.

Mr. Chairman: Ready to proceed, sir, thank you.

Mr. Ages: Okay. Like the other presenters, I'd like to thank the Task Force for this opportunity to present today. The coalition represents both Native groups, women's groups, church groups, arts organizations, environmentalists, unions, farmers and a large number of individuals in Manitoba and, as I am sure which you are also aware, we're the Manitoba affiliate of Pro-Canada Network which represents over 10 million Canadians.

In 1985, the Bourassa Liberals were swept into power and Prime Minister Mulroney saw a chance to make a deal. Mulroney agreed to help Quebec join the constitutional family if Mr. Bourassa would give full support to the impending Free Trade Agreement. With Premier Bourassa's support, the Quebec vote for the free trade deal seemed assured, and the most recent federal election represented Mr. Bourassa's part of the agreement. Now we see the federal Tories trying to push through the Meech Lake Accord with the energetic assistance of Mr. Bourassa.

The anti-free trade forces who battled against the implementation of the trade agreement see a number of connections between the Accord and the Free Trade Agreement. In fact, one could make a case that the Accord will prove to be a constitutional underpinning to the free trade deal. The unanimity clause in the amending formula would make it impossible to get an agreement to cancel the trade deal if the public decided that was a good idea. The unanimity clause firms up the balkanization of the country and makes it possible for American multinationals to make deals with the individual provinces. As in the past, none of these deals will serve the interests of the people but they will satisfy the aims of corporate greed.

So, Mr. Chairperson, the anti-free trade people have more than a passing interest in the Meech Lake Accord. The free trade deal was an elitist exercise and so was the Meech Lake Accord an elitist exercise. In both cases the public were left out of the decision-making process. The Meech Lake Accord was a behind-closed-doors operation, a deal struck between 10 Premiers and the Prime Minister. The changes and update at the Langevin Block were executed in a similar manner, and some time in the future Canadian people will reflect back and realize that Mr. Mulroney was the organ grinder and the provincial Premiers were the monkeys. Any time that moves like this are made behind closed doors, you must ask the question, who benefits? The answer is obvious. The Americans welcome the balkanization of this country and they can swoop in and pick the economic bones clean. The champions of free trade from south of the border have never had it so good.

Now to speak about the Accord specifically. Ostensibly the purpose of the Accord was to address five requests submitted by the Quebec Government. These can be summarized as follows:

1. Recognition of a right of veto to the Province of Quebec in constitutional matters.
2. The explicit recognition of Quebec as a distinct society.
3. Participation by the Quebec Government in appointing judges to the Supreme Court of Canada.
4. A guarantee of increased powers in matters of immigration.
5. A limitation on the federal spending power.

Time does not permit discussion on all of these items. This presentation is limited to the first three, but I'd also like to note the concerns of women and others, especially regarding the effects of Meech Lake on the Charter of Rights and note that the coalition supports their position, but we will leave it to them to put forward their position rather than repeating arguments which they are far more capable of making.

Item one speaks of a veto. It would seem that the only way Mr. Mulroney could give the Premier of Quebec a veto was to give the veto to all of the Premiers. This occurs in the amending formula and if it passes it could present some very serious problems. Canada's aboriginal peoples are fully aware of the problem awaiting the passage of the Accord. Provincial Premiers have been using these constitutional conferences as an opportunity to make a power grab while ensuring that Canada's aboriginal peoples will be shut out of any benefits from constitutional reform. Canada's aboriginal people will be stonewalled on issues such as land claims in our opinion, self-determination and other issues that require urgent attention.

* (1430)

The people of the Yukon and the Territories now know the request for provincial status is out of the question if the Accord passes. In the introduction to the Accord it says, "unanimity protects the vital interests of all provinces when key national institutions are planned." There is little doubt that the Yukon and the Territories are virtually an excluded group with respect to achieving provincial status. We believe this has both moral and economic implications when it comes to development to the North. The exclusion of the Northwest Territories and the Yukon from appointing judges is a very clear statement by the Premier and the Prime Minister that the citizens of those areas are second-class citizens in Canada.

It is quite obvious the unanimity clause makes it possible for other scenarios to develop in the future. Most of the present Premiers support the Free Trade Agreement. It is quite likely they will lay out the red carpet for the multinationals who choose to locate in Canada.

To expand on that, we're quite aware there are multinationals quite active in Canada right now. The specific concern of people who are against free trade are the new areas opened up in the Free Trade Agreement, for example, in services, health care, day care, in the annexes to the agreement, and that both through the limitation of the federal spending power in terms of joint programs, and combined with the Free

Trade Agreement, there are some real dangers lurking ahead of us.

If there are major dislocations in the local industries and the labour force, and this occurs in many places, a ground swell to cancel the Free Trade Agreement could arise. In the process of giving six-months warning necessary to cancel the deal, any one of the provinces could veto the idea.

We're not suggesting that at the present time anything in the deal or the Meech Lake Accord puts that in directly, in terms of being in there. What we're concerned about is the working out of the constitutional process. The precedent has already been set in terms of unanimity, being if you want something you have to go to all the provinces. What you wind up with is a shopping list. In other words, if there is strong pressure, which we hope there will be in the future, to make the Yukon or Northwest Territories, to give them provincial status, that'll have to be unanimous, which means Alberta can then say, we want more and more limitations on federal power. You will then have to go to Newfoundland and they will say, if they're getting that, this is our time to get control of fisheries. Then every other province similarly to the point where, in fact, where you may not have the veto power now over something in the Free Trade Agreement, it will arise in the future. Either that or we give up on any constitutional change.

Former Prime Minister Trudeau suggested Mr. Mulroney "caved in" to the pressure of the Premiers when he gave them the veto. If Mr. Trudeau re-examines the process, he may realize Mr. Mulroney knew exactly what he was doing. He was using the Meech Lake Accord to guarantee the free trade deal cannot in the future be rescinded.

The Meech Lake Accord telescopes Sections 40 to 42 of the Constitution Act of 1982 into two sections. This is the infamous amendment by unanimous consent of the Prime Minister and all the provinces. Resolutions in the House of Commons complete the amendment formula. This clause will freeze the Senate in its present undemocratic state. It'll make it next to impossible to launch a national child care program. New health care programs will not be implemented. The idea of a national dental care program will not get off the ground. In a word, new programs of a universal character will not, we expect, get universal support.

Let us now shift the focus to the distinct society concept. This statement is supposed to address all of the inequalities inflicted on the French-Canadian people since the Plains of Abraham. First, the victors decided to absorb the French Canadians in the "Anglo" melting pot, and they were to emerge as English speaking. They were to be part of the one nation called English Canada. Lord Durham, who noted the collaboration between the French and English business interests, assumed the mantle of deciding the proper way of eliminating the "French fact" in that part of the country. Durham made proposals that ignored the grievances presented by the patriots.

Durham's solution to his discovery of "two nations warring within the bosom of a single state," was to dispense with one of the two nations. This was

confirmed in 1867 when French Canada, a nation in its own right, with a common geography, history and culture, was erased with the stroke of a pen and French Canada was reduced to the status of a province. French Canadians have never accepted the Anglo solution and not a week passes without someone asking for the grievances to be readdressed. At the time of the 1867 Constitutional Act, Canada was a binational state, and a constitutional agreement drafted in the last decade of this century must reflect that fact.

In addition, the right of self-determination should be guaranteed to the French-Canadian nation. Failure to rectify the injustices of the past will guarantee the French-Canadian people will continue to demand a just and proper solution to an age-old festering wound that goes all the way back to the Plains of Abraham. A "distinct society" clause makes a mockery of the process of addressing the real issues.

The second meeting of the Premiers was held at the Langevin Block on June 3, 1987, and Mr. Bourassa pushed a resolution through the National Assembly before the end of that June. The people of Quebec were not consulted on the matter at all. As a matter of fact, a poll conducted in Quebec this winter discovered that 70 percent of the people in Quebec who were interviewed said that they did not feel knowledgeable about Meech Lake. That shouldn't surprise anyone. They were not involved in the Bourassa-Mulroney deal, a deal that produced Tory support in the most recent federal election in Quebec, and a deal that gave Mr. Mulroney a constitutional guarantee that there would be no roadblocks in the way of the Free Trade Agreement.

The "distinct society" clause provides a smokescreen for Mr. Mulroney's sell-out of Canada. But the winds of time will carry the smoke away and the Canadian people will see the Meech Lake Accord for what it really is.

In conclusion, the Meech Lake Accord should be torn up and recycled as Grade B paper for a more worthy cause. Canadians should demand a genuine constitutional conference where all interested parties are present, all relevant issues are on the table, and everyone present enjoys equal status. French Canada and English Canada should have equal representation. Women's groups should be properly represented. Canada's aboriginal people should sit with equal status at the table. Native leaders, Inuit leaders and the Metis should play a vital role in drafting those sections of the Constitution that address the issues of self-determination and land claims.

The days of provincial Premiers and the Prime Minister meeting behind closed doors must come to an abrupt end, and the sooner the better. Thank you.

Mr. Chairman: Thank you, sir. The Task Force has agreed that I will sometimes gently point out errors in submissions. The way your brief is written, sir, would suggest that unanimous consent of the 11 Governments is needed for constitutional amendment after Meech Lake. That is not the case. Most constitutional amendment will take place under the seven province,

50 percent rule, including any changes to the distribution of legislative powers between the provinces and the national Government. The unanimous consent rule applies to certain national institutions, such as the Supreme Court, the House of Commons and the Senate.

Mr. Ages: Yes, point well taken, maybe not made clear in the brief. Thank you very much.

Mr. Chairman: May I just see if there are any other questions, sir? Yes, the Premier has one for you.

Mr. Filmon: Mr. Chairman, if Mr. Ages is going to be presenting similar information at other presentations, I would like him to be aware—or maybe if I can phrase it in the form of a question since that is the proper way, are you aware, referring to your comment at the bottom of page 3, the Free Trade Agreement did not require any provincial approval or sanction in order to be signed by the federal Government, and would not require any provincial approval or sanction to be cancelled? It is strictly a federal Government agreement.

Mr. Ages: We were aware of that. As I tried to make clear, our concern is the implications of the precedent that has been set in terms of the process. During the debate over free trade, we pointed out there were a number of things that were concerns that were not in the Free Trade Agreement, for instance, that there would be massive layoffs and mergers, and it was said it would never happen, it is not what's going to happen. Within weeks of the free trade debate, that's in fact the situation. We pointed out that there'd be erosion of joint-cost programs, for instance day care programs, and we said no way, the federal Government can still do it. In fact, we have seen as of the last night there isn't going to be a national day care program.

So what we are saying is, not that in the Bill C-130 implementing the Free Trade Agreement or in Meech Lake, at the present time that we have that kind of provision. But since a number of Premiers, the majority of Premiers right now, support both the Free Trade Agreement and that vision of society of balkanization and reducing Government intervention, we are quite concerned that putting that kind of safeguard will be a condition of any future constitutional change. That will be part of the shopping list that federal Governments will discover if they try to make changes to sections, which as Mr. Fox-Decent pointed out, do require the unanimity clause.

* (1440)

Now, that is a scenario. As I said, there is nothing in writing. But other fears that we had, we turned out to be right on in terms of free trade. We are quite concerned that will be a similar situation in the future but it is, as I said, a scenario, a matter of speculation and we'll have to see what happens. If the Meech Lake deal goes through, which I think now appears very unlikely—especially since the election in Newfoundland, people are generally talking that it's a dead deal. The purpose of this presentation, I'm sure of others, is simply to put a few more nails in a well-deserved coffin.

Mr. Chairman: Thank you, sir. Mr. Bill Janssen.

Mr. Bill Janssen (Private Citizen): Good afternoon, Mr. Chairman.

Mr. Chairman: Good afternoon to you, sir.

Mr. Janssen: You mentioned shaving pieces off the submission. I take that to wit the submission will be the submission of record, Mr. Chairman.

Mr. Chairman: The written submission will be read with care, sir, so anything you wish to delete orally you can be assured it will be read.

Mr. Janssen: I then skip the first two pages which deal with mainly with background really and about the nature of the deal that was made in Meech Lake and the demands made by the Province of Quebec and the reasons for it.

At the bottom of page 2, successive Quebec Governments have insistently proclaimed the uniqueness of Quebec and have argued that they need more autonomy in a number of areas in order to defend and protect that uniqueness. The Meech Lake Accord makes a bow to Quebec's uniqueness with the "distinct society" clause, and meets Quebec's demands for greater autonomy in other areas by offering those options to all of the provinces. If the amendments are adopted any province can exercise a veto over constitutional change, at least in the most substantive areas. Any province may opt out of future federal-provincial programs and demand compensation, etc.

The language question: The Meech Lake Accord adds nothing but a few generalities to the provisions on the official languages contained in Section 133 of the 1867 BNA Act and Sections 16 to 23 of the 1982 Constitution Act. Much noise has been made over subsection 2(1)(b), the "distinct society" clause. As an observation in human geography "... the recognition that Quebec constitutes within Canada a distinct society" is a mere statement of the obvious. Surely, no student passing through Canadian elementary and secondary schools can fail to have learned from his/her lessons in reading, geography and social studies that Quebec is distinct and different from the rest of Canada with respect to language, culture, civil law, etc. Moreover, the differences are there for everyone to see who cares to visit Quebec. One might well ask, therefore, what all the furor over the "distinct society" clause is about.

No doubt, the explanation lies in the hopes and fears proponents and opponents have of what abstractions and legalistic conclusions a court may derive from that simple statement of fact. Thus Premier Bourassa appears to believe that Subsections 2(1)(b) and 2(3) would give him ample legislative authority to restrict the use of English on commercial signs in Quebec so that recourse to the notwithstanding clause would not be necessary. His opponents who do not want him to have that power fear that he may be right. The questions surrounding the "distinct society" clause are indicative of the wide gulf between the meaning of words in the real world and the abstractions they become in a courtroom.

Personally, I have no difficulty accepting the fact of a bilingual Canada. It is something that makes this country distinctive and we should all be proud of it. I think that we should encourage the use of French as much as possible. I know very well, however, that particularly in western Canada many people have little use for bilingualism. I find that a pity and I hope that the next generation will have a different view of the language issue.

I also have no difficulty accepting Quebec as a distinct society. I further believe that the Government of Quebec does have a special duty to protect and promote the use of the French language in Quebec. Although I think it rather silly, I do not see the barring of English on commercial signs in Montreal as an assault on fundamental freedoms. I do not think that Bill 101 and Bill 178 infringe on the freedom of speech of Quebecers. We are dealing with advertising and not with the fundamental freedom of expression. The Supreme Court was not only silly but mischievous in treating the challenge of our language on commercial signs as an issue of freedom of speech. If advertising is a matter of free speech, where are the limits? Can the Government prohibit or restrict the advertising of tobacco, or alcohol, or anything? The Supreme Court is clearly on a slippery slope with this decision that reinforces the need for our provision, such as, Section 33—commonly called the notwithstanding clause—which allows Parliament, or the Legislatures, to override Sections 2 and 7 to 15 of the Act.

Senate Appointments and Senate Reform: The Meech Lake Accord commits the federal and provincial Governments to keep on talking about Senate reform. Making appointments to the Senate from lists of names provided by provincial Premiers may provide the Premiers with an occasional opportunity to bestow a generous favour, but will change little else. Since Senate appointments are for life or at least till age 75, the likelihood that a senator will speak with the authority of a provincial Premier behind him are very slim.

The so-called Triple E Senate is a non-starter and it will be even more so if Meech Lake is adopted. As long as the Senate remains what it is, a congenial debating club, it may be argued that it is a matter of indifference in Real Politik to Ontario and Quebec whether each province has the same number of senators. However, if the Senate is to have real power, numbers mean everything, and viewed from the perspective of voters in Ontario and Quebec, it would be foolish and irresponsible for their Governments to agree to reduce their numbers to the same level as Prince Edward Island, Manitoba or Alberta. It would also be very undemocratic.

The promoters of a Triple E Senate often point to the powerful role played by the Senate in the United States. They keep forgetting that we do not have a presidential system with separation of powers, but a parliamentary system where the executives are Members of Parliament, who must have the confidence of Parliament. They also seem to forget that, for all practical purposes, Parliament has come to mean the House of Commons. They also keep overlooking the very important role played by federal-provincial

conferences, not only of First Ministers but also of many departments, such as agriculture, finance, energy, environment, health and social services. Our system has simply no useful role for a Senate, other than the role it does now, to provide a Prime Minister with a place to put meritorious Party Members who have become redundant or tired or whatever. In my opinion, the Senate should either be abolished or its role should be reduced to the giving of advice only.

Immigration: Section 95 of the Constitution Acts 1867 to 1975 provides for concurrent powers of legislation for Parliament and the provincial Legislatures. It appears to me that the sole purpose of the proposed amendments is to facilitate binding agreements between Canada and Quebec that will guarantee Quebec will receive a fixed proportion of all immigrants admitted to Canada. The objective might be to maintain Quebec's present share of Canada's population. I view this as an undesirable way to formulate immigration policy. It is time for Canada to formulate a long-range immigration policy. Given the enormous space and the wealth of resources of this country, as well as the desperate economic conditions prevailing in many parts of the world, we should aim for 500,000 to one million immigrants a year.

The shared-cost programs: Section 7 of the Accord, requiring the Government of Canada to pay compensation to the Government of a province that chooses not to participate in a future cost-shared program, in an area of provincial jurisdiction, ensures there will be no new universal social programs launched in the future. Reasonable compensation to non-participants removes all financial incentives to become involved in shared-cost programs. Particularly the wealthier provinces, whose residents pay most of the federal taxes, would be foolish to participate. The amendment should be rejected.

Changing the Amending Formula: The unanimity requirements in this number of areas—we are now the seven provinces and 50 percent of the population is valid—would virtually ensure there would never be another amendment to the Canadian Constitution in these areas. The Meech Lake Accord would be the last.

As the basic law of the country, the Constitution is too important to deal lightly with changes. Hence, it should not be too easy to pass constitutional amendments. At the same time, the Constitution must remain a living instrument. As the country grows and changes, our Constitution must change too. The existing arrangement requiring unanimity, when it comes to amendments dealing with the basic institutions of our country and requiring consent of two-thirds of the provinces with at least half of the population for the other matters seems to strike a reasonable balance. We should keep it that way.

• (1450)

The Supreme Court and The Charter of Rights and Freedoms: It is perhaps fitting that the Meech Lake Accord elaborates on the qualifications of nominees for the Supreme Court and on their method of appointment, because the inclusion of the Charter of

Rights in the Constitution has given added importance to that institution. I am confident that whether nominations are proposed by provincial Governments or not, only the very best will be appointed to the Supreme Court.

I would like to add, however, that even the very best are still human and that we should be very wary of conferring upon the Supreme Court the halo and mantle of infallibility. This is particularly important since the inclusion of the Charter of Rights in the Constitution.

Acts of Parliament and of a Legislature often have to be amended because courts quite frequently do not interpret laws as the lawmakers had intended. If the courts, including the Supreme Court, give decisions based on the Charter of Rights that are unacceptable to Parliament or the Legislature of a province, there must be a method of correcting that decision short of a constitutional amendment.

We need the notwithstanding clause, and Parliament and Legislatures should not hesitate to override decisions that are clearly not in the public interest.

If the Supreme Court's decision that a law prescribing the language to be used on commercial signs interferes with the right to freedom of speech implies, as it seems to do, that commercial advertising is covered by the Charter of Rights and Freedoms, current restrictions on advertising of alcohol and tobacco may be illegal.

Last year, an Alberta court ruled that restrictions on third-party election expenditures were in violation of the Charter of Rights. The Supreme Court has also ruled that the Charter applies to corporations as well as to natural persons. In a majority decision last week, the Supreme Court used the mobility rights set out in Section 6 to strike down Alberta regulations prohibiting Alberta law firms from becoming franchises of out-of-province law firms.

Clearly such decisions are not based on the rights and freedoms of natural flesh-and-blood individual Canadians but are intrusions of the courts into areas of policy making which belong to Parliament and the Legislatures.

A constitutional amendment is in order to make it clear to the courts that the Charter of Rights and Freedoms does not apply to advertising or any form of commercial propaganda, and that corporations are not entitled to the benefits of the Charter but that their actions must be judged on the basis of statute law.

Until such an amendment is in place, the notwithstanding clause to overrule the Supreme Court whenever decisions run counter to the public interest must be used. We must not ever invest the Supreme Court with infallibility. Far from being a flaw in the Charter of Rights and Freedoms, Section 33 is indispensable in a democratic state.

The Rights of Aboriginal People: By far the greatest flaw in the Charter of Rights is its failure to do right by the Native people of Canada. The Meech Lake Accord must be condemned, if for no other reason than that it also ignores the issue which in my view is the most urgently in need of a just settlement.

The treatment of Native people by successive generations of Canadians and Canadian Governments is a national disgrace. Canadian Governments have shown very little inclination to recognize aboriginal rights. We hypocritically pretend to respect "existing" aboriginal rights, knowing full well that the only existing rights are those spelled out in the Treaties. Scant as they are, even the Treaty rights have been ignored or violated time and again or have been made subject to other statutes such as the fish and game laws or the Budget.

Moreover, the Treaties were concluded between very unequal partners, and Canadians should be acutely aware of the fact that for all practical purposes the Natives were robbed of their land and their resources. In parts of Canada where no Treaties were concluded, such as in British Columbia, most of the North and Labrador, and hence where the Native people did not surrender their land, we nevertheless hesitate or even refuse to recognize Native claims to the entitlements. The needs of the Native people are ignored and trampled upon whenever they conflict with the greed of oil companies, lumber companies, pulp and paper companies, mining industry, non-Native commercial fisheries or the military.

I'll go to the end now. To sum up, we should not get hung up on the recognition in the Constitution that Quebec is distinct society and that the Government of Quebec may need some extra room to promote and defend this distinctiveness. We should make that concession in order to make Francophone Canadians feel proud to be part of Canada, rather than feel constantly encroached upon by the Anglophone world that surrounds them.

The greatest priority in amending the Constitution must be given to recognize the rights of the aboriginal people, including their right to self-government, to defend and protect their distinct languages and cultures, and to the physical resources necessary to sustain them; recognition that all lands not specifically surrendered by Treaty truly are the property of the Native people; recognition that all lands not specifically surrendered by Treaty truly are the property of the Native people, recognition that the Treaties were concluded between unequal partners and that ways must be found to restore sufficient resources to the Native people who signed Treaties to enable them to live and work in dignity. The sections in the Meech Lake Accord for amending the Constitution and the opting out of cost-shared programs must be scrapped.

The Senate should be abolished or its role should be reduced to that of giving advice only.

To add flesh and blood to the abstract expressions that everyone has the right to life, liberty and security of the person, and that every individual is equal before and under the law, the Charter of Rights and Freedoms should be amended to include that everyone has the right to work to earn a living, everyone has the right to a decent shelter, everyone has the right to sufficient income to sustain herself or himself, and her and his dependents.

Finally, the Charter of Rights and Freedoms should also be amended to exclude corporations from its

benefits, and to make it non-applicable to any form of commercial and political propaganda or advertising. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, sir. Any questions? Thank you. Mr. Vital Delasoie.

Mr. Vital Delasoie (Private Citizen): Today I will focus my attention more on the state of power between Canada and Quebec, and the link between Meech Lake Accord and Bill 178 that was passed in the Province of Quebec in 1988. Also, I will state some fundamental principles governing this nation.

To refresh your memory and give an historical perspective, I will state certain facts that come before our present situation.

In Quebec: Bill 22 was passed in Quebec by Mr. Bourassa to give French an official status. In November 1976, Mr. Bourassa was ousted and the separatist movement was elected under the leadership of Rene Levesque. Bill 101 was passed by the Parti Quebecois in power, impose French as the only official language in the Province of Quebec. Then, Mr. Bourassa came to power and waited for the Supreme Court of Canada to decide on the language issue. Bill 178 was passed stating the indoor/outdoor clause.

Canada: Now, we will talk about Canada. The Meech Lake Accord is to officialize the participation of Quebec as an active member of the Constitution of Canada. Canada constitutes 10 provinces and two territories. The vision of our founding fathers was to create an equal and united country where provinces would participate all together in the growth of Canada.

The federal Government is the representative of the nation. The provinces represent each regional and particular geographical division of the country. Certain jurisdictions have been given to the provinces to be better able to deal with specific demands, situations and traditions arising with those populations and regions. Those jurisdictions were given to facilitate and bring a closer approach for the people living under the authority of this province.

Canada lives on fundamental rights. For example, freedom of expression and being individualistic.

Canada is composed of different ethnic backgrounds. They came to settle in this nation in different geographical locations where the jurisdictions are limited within borders known as provinces: French, English, Ukrainian, German, Irish, Chinese, Russian, Jewish, Dutch, and several more. This is Canada. Those groups are spread throughout the provinces.

Canada is officially bilingual. It has French and English as official languages. The people who speak either French or English are people who come from different continents, melted into one or both languages.

I want to focus your attention on the growth of one particular ethnic group which must not take priority over the group of another. The concentration and power of a particular group in a specific area, region or province, could jeopardize Canada's fundamental rights if this group is allowed to dictate its own priority over

the priorities of a minority group, or the country. The creation of division and fragment of ghetto throughout the nation will tend to rationalize the ideals of ethnic or specific groups. The nation will not be able to keep fundamental justice and rights from the strongest to the weakest, from the numerous to the few. Those basic rights should be kept alive at all costs. The acknowledgement of more power to a certain group will create multiracial and interest groups to collide where the weakest won't have their fair share.

* (1500)

Those rights are implements into the basic freedom and rights of the Constitution. They are law throughout the land. Any attempt to justify a change to give priority to a powerful group will be viewed as a contradiction to the vision of any Canadian. It would be doubtful that the United States, England, or even France would have a problem over this issue.

Any individual living throughout the nation has the right to live, speak, and write in his own language. He can in his own property display what he wants unless it abrogates the fundamental right of another individual.

The issue: Today Canada faces a great challenge due to the different situations and of a new era, for example, political opportunism where short-term goals are implemented for personal gratification and survival against other opportunists in the political level. I mean that the different players who decide on the future of Canada are taking the matter as a personal goal and selfish goal, to be able to survive and not being thrown away by the electorate as inconsistent. The Prime Minister of Canada and any Prime Minister of Canada should preserve the unity of the country. Not only should he preserve unity, but he must direct the nation and all participants to respect and share with each other a common goal which is strength, prosperity and harmony.

To explain the situation better and to be more precise, in Quebec the question of the Constitution was not an issue. The talks were opened with Quebec to officially bring them as an active participant in the Constitution, but Quebec had a list of demands which was not in the interest of the Canadian nation. The Prime Minister of Canada, for whatever reasons and opportunistic situations, had reopened the talk about the Constitution and accepted terms specified by Mr. Bourassa by including a special status for Quebec. The reasons stated by both parties was to harmonize, bring better relations, and unite the country. The reasons of each participants are laid for their own benefits and interests.

And I would like you to consider this eventuality that I will describe:

Today both partners, the Bourassa Government and the Mulroney Government, insinuate and mention through third parties that in the failure of the agreement of the Accord, the resurrection of a separatist movement would explode because of the refusal. Those fears are kept alive and are being stated as to use those extremists as the accomplice of the present Quebec Government, and indeed bring the spectre of separatism. I would add, contrary to major beliefs, that

Mr. Bourassa has created a situation where he could justify his actions and nationalism. I was personally in favour of Mr. Bourassa as a person who would stabilize Quebec and bring back the province into a cooperative mood in the federation. Contrary to my beliefs and others, he implemented a law which was accepted and justified because of his manoeuvres. First of all, now the Premier has a good backup from the Province of Quebec, because of the support of the Prime Minister, which legitimized to the Quebec population their rights over the language policy; and secondly, by the impression of better accomplishment and harmony of the Quebec-Ottawa relationship by comparison to earlier years.

Bill 178 is totally contradictory to the principle that rules our nation and by using the notwithstanding clause to implement it. Any person or group following this train of thought is obviously not taking into consideration the voices of the minority. Throughout history, we have seen those fanaticisms and justifications on other continents for a thousand years. There are no justifications, or good justifications, to lessen the expression of a minority group. It could be a Jew, a Francophone or an Anglophone, whatever the language portrays and stereotypes. Whatever is the excuse, it is not justifiable.

I would say that Mr. Bourassa is an intelligent calculator and pragmatic, and is a strong nationalist of Quebec in different ways as his predecessors. He started with an honourable change by implementing Bill 22. In 1976 he was overshadowed by a populist who was more appreciated, who led a separatist movement in an emotional manner. Despite the fact that most of the population believe, inside and outside Quebec, in Mr. Bourassa, he brings slowly, and gears the province slowly and pragmatically, with all the justifications required to bring Quebec independent from Canada with population pressure or not.

The notion of most individuals in Quebec is that Mr. Bourassa wants to live inside Confederation, bringing the interests of the province first. Most of the other provinces' notions are similar outside Quebec. If they can bring more power and jurisdiction to their respective province, they will do it. Mr. Bourassa is taking all the steps required to bring a situation, where an obvious crisis will come to light. I mean not only power, but more independence, where if all provinces get it, it is justifiable. The struggle we face today shows obviously that in the Confederation no province should have a particular status. When Quebec will have it, others will ask.

Through these few weeks and months, it is not necessary to restate points that are major problems that we have heard through the Task Force. On the other hand, I will state a hypothesis that the Prime Minister of Canada has been caught by being too opportunistic with Mr. Bourassa. The consequences we are facing are that all provinces feel obligated, morally obligated to agree with the Meech Lake Accord for fear of a renewal of a strong separatist movement and the loss of new power implemented into the Accord for the provinces, should the Accord be rejected.

The play on those fears are not naive and not innocent. Despite the sudden distance of our Prime

Minister, by realizing too late that he has been caught up into Quebec politics, he cannot turn back knowing that his future will be compromised. His only alternative is to persuade to go on.

As it was stated and understood by the majority of Quebec nationalists during the Party Quebecois years and before the second election of Mr. Bourassa, the separatist movement wanted, if not drastic, a gradual autonomy through political institutions and economic contacts. I will cite for example, firstly, the overwhelming enthusiasm by the Government of Quebec over the Free Trade Agreement with the United States, which I do not state any opinion for or against. To refresh your memory, at the peak of the separatist years, they wanted to create a separation and political link with the U.S. It is purely coincidental maybe, but it is still one of the factors that give more political and economical autonomy and less control from the federal Government. Secondly, now Quebec is represented at the Francophone Summit, with Canada as an obvious distinct entity, and plays a role on a diplomatic level increasingly as an independent state.

* (1510)

Now with the "distinct society" clause, the nationalists of Quebec are implementing what they always wanted to be stated as. Therefore, it will be easier to reach a pragmatic step-by-step goal to let the Province of Quebec be more autonomous than any other province in Canada.

It seems that I suggest and implement a lot of speculation about the situation between the Province of Quebec and the Government of Canada. We have to remember that the Accord is made to officially acknowledge Quebec as an active participant. Despite that, the province is already under the Constitution agreement, I presume.

To harmonize the relations between the federal and Quebec Governments, the federal Government under Prime Minister Mulroney gave away an uncommon exceptional clause, "distinct society," to buy social peace and create, on a short-term basis and during his leadership years, a perception and sense of good relations and a united, peaceful harmony. This exceptional clause gives priority to one group over another group. Tomorrow, any group bound by the same culture, language, activities will have the right to claim a right over a location, delimitation or ghetto, to give them priority over a minority group that populates their surroundings.

Tomorrow we will see racial tension, unacceptance and injustice. How could we prevent these social unrests and fragmentation of our country? This doesn't come from a bleak imagination or exaggeration, because by giving priority to one group over another one creates inequality and injustice. Through history, we see it is not the first time that when there is darkness, narrow mindedness, or a crisis, there is also nationalism, fanaticism, and extremisms.

Yes, if the Meech Lake Accord is not passed there will probably be some tension in the Province of Quebec. We don't know to what extent. It will be capitalized

because the Quebec Government uses the fear of the backlash for their own purpose; it is a real matter now. Moreover, in the federal Government, there are quite a lot of nationalists and former supporters of separatism linked into the Ministerial Cabinet. If Meech Lake is not implemented, we will probably see a lot of opportunists capitalizing over the situation, and form a more or less compact group to bring confoundness in the federal Government and destroy the confidence of the provinces.

In the case that we can't change and amend the Meech Lake Accord, we will be facing to refuse the Accord. It seems quite obvious that the Government of Quebec will not back up. The "distinct society" clause must be abandoned absolutely. The immigration factor must be reviewed. We cannot guarantee any share of immigration for a particular province for demographic reasons. Also, the Government of Canada shall reinstate basic freedoms in the Province of Quebec by pressuring the Government of Quebec to abolish Bill 178. A suggestion would be, which was heard in Quebec during the final ruling of the Supreme Court, that sign language will be in French in Quebec, but other languages should be allowed without taking priority over the French language. Non-French language signs will have, at most, the size and colour and will not take priority visually over the French sign. This could be implemented if the use of the notwithstanding clause is relieved, or a voluntary change by the present Government of Quebec or by a subsequent Government.

The consequences of not implementing the Accord will have negative effects throughout the country, and will probably create a new crisis because of the irresponsibility of political opportunism. In fact, we must not derogate from our principle, to keep and preserve justice and equality for all. In our history, since our founding fathers, our past Leaders have kept the fundamental rights of the nation alive. Today's situation was created by the only individual elected in a supreme position, where he failed in his mission to keep strength, cohesion and unity of the country. We will have to sustain this shock again, I believe, because of our political immaturity.

I suggest, therefore, that the Meech Lake Accord is drastically changed, as mentioned above, or let it die.

As a Francophone, born in Montreal, Quebec, and recently a new resident of Manitoba, I recognize the French language is in an unfavourable position. I recognize that Canada has two official languages. I recognize that the French language is of little use outside the Province of Quebec. I recognize also that a French element could bring an asset to our nation, but you cannot—I repeat, you cannot—abrogate the legitimate right of a minority group by using as a ruthless excuse the dying of the French language.

I hope that this Government will see the long-term aspect and priority of our nation by keeping a just and equal representation of all the provinces in Ottawa. I strongly believe the Canadian people will be able to pass through another national tension, if they understand the importance of the principle here mentioned.

Canada, as a nation, has great potential. In any event, Canada will, and always will be, from coast to coast,

and no political or geographical fragmentation must be granted. The derision of a few on the whole under certain delimitations cannot dictate their law and use their part of territory without consulting their immediate participant. Thank you very much.

Mr. Chairman: Questions? Mrs. Carstairs.

Mrs. Carstairs: I have two questions, and I thank you for your brief.

My first is, do you believe—and it's just your opinion—that there are many Francophones in Quebec who share your opinion?

Mr. Delasoe: I believe that actually there are a lot of Francophones who believe and share my view. There is an overwhelming pressure and tendency that people believe they have to implement the Meech Lake Accord, because there are obviously advantages with the Meech Lake Accord.

Mrs. Carstairs: A supplementary question, do you think that it is possible to sell your vision of Canada to the people of the Province of Quebec?

Mr. Delasoe: I believe so—strongly.

Mr. Chairman: Any other questions?

Mr. Delasoe: Thank you very much.

Mr. Chairman: Merci beaucoup, Monsieur Delasoe.

We now move to the afternoon's list. The first presenter, Mr. Carl Wenaas.

Again, may I remind you, please, if you are presenting this afternoon and have written briefs, will you pass them to Ms. Greschuk, who is standing behind me.

Mr. Carl Wenaas (Private Citizen): Thank you very much.

Mr. Chairman: I'm sorry you were kept waiting, sir. Thank you.

Mr. Wenaas: I enjoyed listening to the other presentations. As you can see, I have a rather lengthy brief. I will only be touching on certain sections of that. First may I say how impressed I am with the seriousness with which this matter is being pursued. It is of great interest to note that the Premier (Mr. Filmon) is here, that the Leader of the Opposition (Mrs. Carstairs) is here, that the Leader of the New Democratic Party (Mr. Doer) is here, that there are two Cabinet Ministers on the Task Force, that the Deputy Leader of the Liberal Party is also on the Task Force, and you, Mr. Chairperson, I presume are the resident intellectual.

I feel rather hopeful in this case, Manitoba may have a very real impact on what, I would say, saving Canada from the disasters of the Meech Lake agreements. As you will probably gather, I have a great many criticisms to offer. I may say I think that while it is possible to consider making a number of amendments to the

agreements at various stages, I am inclined to think the appropriate procedure is to bring the present process to a halt. Let us remember, if the present Manitoba Government does not follow through on the commitment made by the previous Manitoba Premier, it will be in good company. Twice in the last quarter century, the very same Premier of Quebec, who agreed to constitutional amendments at a federal-provincial conference, went home and changed his mind. I am referring to Premier Lesage in 1964 and Premier Bourassa in 1972.

* (1520)

Now in Section B, I refer to the main thrusts of the amendments. I would say that every one of the constitutional amendments is a concession by the national Government, without a corresponding *quid pro quo* on the part of provincial Governments. The Canadian Government might at least have obtained in return an amendment strengthening the Canadian Charter of Human Rights and Freedoms by asking the provincial Legislatures to give up the right to suspend the Human Rights Charter on any specific piece of legislation it chooses. It did not, nor for all its trouble, did the federal Government obtain the agreement of the Quebec Premier to enshrine in Quebec the same educational rights for the English linguistic minority as now prevail in the rest of Canada for the French linguistic minority.

I would say there are three main thrusts to the Meech Lake constitutional amendments. First, there is a diminution of Canada as a national entity as a result of several amendments. Second, some of the same amendments imply a weakening of parliamentary democracy, in general, but particularly of the House of Commons. Third, the concept of Canada as a distinct society on the northern half of the North American continent seems to be challenged by the new reservation to the Quebec Legislature and Government of the role of the preservation and promotion of a distinct society, which is now stated to be defined by the borders of Quebec.

Then there is a fourth area of concern, the impact on the fundamental human rights of Canadians, and particularly, on prohibitions of discrimination now found in the Canadian Charter of Human Rights and Freedoms. That is not as a result of the Meech Lake amendments, but as a result of the failure of the federal Government to obtain a *quid pro quo*.

Let me just then turn to Section C. I say that the diminution of Canada as a national entity takes four main forms:

1. The prospective shattering of immigration policy into 10 provincial segments.
2. The constitutional entrenchment of opting-out provisions from national shared-cost programs and the judicial determination of the compensation, a feature which will severely limit the ability of the national Government to respond to newly developing needs.
3. The ultimate transformation of the Senate and

the Supreme Court of Canada into agents of the provincial Governments; and

4. The codification of another institution of Government, the conference of First Ministers as a kind of super-Senate.

I will not comment in detail on the immigration question. If there are any questions later on, fine, nor will I say very much about the opting-out provisions because that has also been commented on at length. But I do want to add one point which I make towards the bottom of page 7.

I said it must also be recognized that the opting-out provision carries within it another dangerous seed, a seed that can grow into the plant of more and more separate and separatist action at the provincial level, and produce an increasing differentiation of the status of Members of Parliament from the various provinces. If, say, the two central provinces of Ontario and Quebec, because of their size or other reasons, opt out of all new shared-cost programs while the other provinces opt in, by what right, the argument may run, should the MPs for Ontario and Quebec vote on the conditions attached to the agreements with the opting-in provinces because those conditions will not in fact affect their own constituents. The whole concept of a national Parliament speaking for all Canadians would be weakened.

Okay, I will pass on the transformation of the Senate and the Supreme Court because I do want to refer to the Conference of First Ministers, the super-Senate, because I have not heard anybody refer to that before.

The fourth diminution of Canada as a national entity arises from the formal establishment of another institution of Government, the conference of First Ministers, with two sets of responsibilities: (1) to discuss the state of the Canadian economy and such other matters as may be appropriate; and (2) to act as a constitutional conference. It is one thing to have federal-provincial conferences from time to time as they seem necessary. It is quite another to make them a constitutional requirement and, therefore, create a continuing institution with a predictable pattern of evolution.

The economic conference of First Ministers will be required under the amendments to be called at least once a year, just like Parliament, and may well be termed a super-Senate. Like the U.S. Senate, the super-Senate will be presided over by a federal official—the Vice President in the United States, the Prime Minister in Canada. Like the U.S. Senate, there will be equal voting representation from the individual provinces. But there the parallels cease for the U.S. senators are elected specifically to deal with national matters. The provincial Premiers are interested in national policies only because of the way in which they impinge on provincial responsibilities.

This super-Senate currently is not required to go beyond discussions, but will or indeed can any deliberative body stop there? As the years go on, one can predict that deliberation will lead to decisions. Study and action will require the creation of a permanent secretariat in addition to those attached to the individual

First Ministers. Both the individual provincial MLA and individual federal Member of Parliament must be further diminished by this supplementary level of governmental decision. The subject matters of these annual meetings are unrestricted and the sessions cannot help but become longer and longer.

This super-Senate will also be required to meet at least once a year to discuss constitutional matters in a constitutional conference. It is quite clear that this will be the mechanism for any future constitutional amendments as devoid of public participation as the Meech Lake agreements.

These conferences of the First Ministers are profoundly symbolic of the new Canada that has been emerging in the past years, 10 voices for the parts, one for the nation as a whole. Increasingly, the 10 Premiers are presuming collectively to speak for the country, and the Prime Minister seems to be assigned as a constituency the principality of Ottawa.

Now ultimately, and I have to read the conclusion, these four features of the Meech Lake agreements will leave the Canadian Government a beached whale, the flesh being stripped from its bones by marauding scavenger crabs quarreling sometimes among themselves but united in their scramble for the tastiest morsels. You can see why I wanted to read that.

Now, let me turn briefly to the next section, A Weakening of Parliamentary Government. Not only will the Meech Lake agreement diminish Canada as a national entity but they will reduce the role and effectiveness of parliamentary Government. The House of Commons in particular will be weakened by the shrinking of the federal jurisdiction, by the reduced validity of its role as opting-out practices by the provincial Governments increase, and by the emergence of alternative national institutions, the strengthened Senate and the super-Senate.

The legislative power overall will be diminished as the Cabinets, and particularly the First Ministers, obtain a significant access of power. This will be particularly true of the provincial Premiers—I do hope that the present Premier of Manitoba will be able to resist the opportunity to increase his powers—who obtain the right to nominate senators and Supreme Court justices and who will participate in at least two conferences of First Ministers a year, from which they may well emerge with a collective Order-in-Council, just as happened with the Meech Lake constitutional agreements. These collective Orders-in-Councils or these treaties may prove to be just as unamendable as the Meech Lake agreements.

One question emerges, will the provincial Premiers, having presumably already demonstrated their superior competence in managing provincial affairs, have the energy to assume this large and curative role in the national Government?

I will not go into the question of Senate reform in detail, except to say that I find it remarkable that the two provincial Governments who have had the greatest interest in increasing the power of the Senate have a smaller proportional representation in the Senate than they do in the House of Commons. I think that is curious.

Now, I will skip over much of the material on the "distinct society" clause except to say, as I indicate on page 15, that it should be recognized that national institutions, primarily the Canadian Broadcasting Corporation and the National Film Board, played a vital role in promoting French-Canadian language and culture, not only outside of Quebec but also in Quebec. The role of federal departments of Government and federal Crown corporations in promoting at long last a more effective bilingualism can also not be ignored, and I know there's a long way to go. There's a sense in which an effective national Government, responding to the growing realization and acceptance of the bilingual nature of Canada, is really the first line of defence of the French fact in the North American continent.

I will skip over Section 5 in which I refer to Five Rights of Canadians Endangered by the Meech Lake Agreements and conclude with A Reasonable Alternative, Section G.

The five conditions that the Quebec Government had advanced in 1986 were recognition of Quebec as a distinct society, a greater provincial role in immigration, a provincial role in appointments to the Supreme Court of Canada, limitations on the federal spending power, and a veto for Quebec on constitutional amendments.

* (1530)

In the final result, the Quebec Government got so much more than it even asked for that it must have had difficulty in believing in its good fortune. One must infer that the Meech Lake agreements went as far as they did because of the demands of the provincial Governments other than Quebec, for there is more than one provincial Government that has olympian ambitions. Let me deal with these five propositions one by one.

First, there is no question about the recognition of Quebec as a distinct society. The only questions in my mind concerns the form in which that recognition might be given, the national context in which that might be placed, and whether it should be associated with a specific legislative role for one or other level of Government.

For those who might question this, let it be recognized that Quebec always has been a distinctive society within Canada in a number of fundamental ways. Could anything be more fundamental than the legal system? Quebec has always had a different system of civil law. It is not the educational system of fundamental importance. Quebec, at least until the Quiet Revolution, had a distinctly different educational system—largely clerical rather than secular, hierarchical instead of local control, and with a markedly different curriculum content.

Moreover, Quebec was the only province with two official languages in its Legislature and its courts. In addition, for more than a quarter century, Quebec was the only province in which women did not have the right to vote in provincial elections. Educational, social and economic developments in recent years have been making Quebec less distinctive. In language policy also, the Quebec Government, in invigorously reducing the

considerable minority language rights, both legally and in practice, is merely practising the typical intolerance of a unilingual policy which we have seen applied in the rest of Canada. While it is not my purpose here to propose the exact wording, it should encompass: (a) the recognition of the French-speaking community within Canada, centred in Quebec as a distinct society, with both federal and provincial responsibilities for its preservation; (b) the recognition that all provinces are to some extent different one from another; and (c) a much stronger declaration of Canada as a distinct society in North America.

The second condition concerns a greater provincial role in immigration. The Quebec Government, through its agreement with the federal Government, already has this greater provincial role in immigration. Making this in the form of a constitutional amendment raises more problems than it solves.

The third condition concerns a provincial role in appointments to the Supreme Court of Canada. This is clearly acceptable; it seems right in principle. The only question is how any conflict between the federal Government and provincial Governments on any particular nominee would be resolved.

The fourth condition concerns constitutional limitations on the federal spending power. These limitations should remain on the political level in which the population of Quebec has had an important and strategic voice, almost without exception, since Confederation. Constitutional limitations on the federal spending power would be unacceptable with formal constitutional amendments becoming increasingly difficult, rather than different.

Mr. Chairman: I'm afraid your time has expired, sir.

Mr. Weness: Yes, and I'll just add the fifth condition concerns a veto for Quebec on constitutional amendments certainly, once the Constitution is in proper form.

Mr. Chairman: Thank you very much. Any questions? Thanks again.

I'd like to acknowledge the Leader of the New Democratic Party who has joined the table, Mr. Gary Doer.

Our second presenter, Mr. Dave Hall.

Mr. Dave Hall (Private Citizen): Mr. Chairman, Members of the Task Force, I'd like to preface my submission with a few points.

First, I'd like to thank the Government of Manitoba for holding these public hearings. Second, I'd like to point out that this is a personal opinion with a feeling there is something wrong in Canada when a Government finds it necessary to force the implementation of a law with little discussion of the possible effects. Third, because I'm not expert on governmental or constitutional processes, I hope my understanding of these processes are sufficiently accurate to support my position. And last, there is no intent of being anti-French or anti-Quebec about the

"distinct society" clause in my presentation. I believe my comments would be the same if Manitoba were asking for the same thing.

The constitutional amendment 1987 is one of the poorest and saddest pieces of writing I've ever read. This product of the leaders of this country can only be viewed as a failing report card on their will to serve the people. This sadness is profound because the amendment is a dogfight for independent power by the provincial leaders abetted by the Prime Minister of Canada at the expense of the individual Canadians everywhere.

Over the last 60 years, I have watched this country change from fragmented hyphenated Canadians to Canadians, from a polyglot collection of provincial nonentities to a nation with some common purposes viewed with esteem by the rest of the world. I watched with apprehension the search for a national symbol in the flag debate and during the patriation of the Constitution. I didn't enter those debates because I didn't feel Canada was threatened as most of the aspects of these changes, it seemed to me, were being argued openly.

Today, I am appalled that any group of Canadians would openly intimidate and dictate to the country a change in the Constitution for a return to hyphenated Canadians and a balkanized Canada. More especially, I'm appalled with the Government of Canada for its abdication of responsibility to uphold the existing law. It is indeed a sad day when all political Parties at the federal level place their parochial objectives for power over the law and Constitution. None have stood up to defend Canada. If this is the best we can do as Canadians, best we Canadians can do with objectives for our country, perhaps we should return the Constitution to Great Britain.

For this reason, I want to make these comments. First of all, the Canadian Charter of Rights and Freedoms states in paragraph 15(1) that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

It is understandable that language was left out of this list and was placed in a separate section declaring French and English as the official languages of Canada. In other sections, the Charter acknowledges the use of languages, the aboriginal people—albeit not as fully as it should be—women and those of other heritage and generally sets all Canadians, regardless of background, history or culture, on an equal level. The Constitution, as is, may not be perfect, but it does try to provide an even playing field for all Canadians and to direct institutions of Government towards this objective.

The insertion at the very beginning of the Constitution of the "distinct society" clause distorts every paragraph and word of the Constitution which follows, including the Charter of Rights and Freedoms, and on all laws of Canada—this is assuming that the Constitution is the supreme law of Canada. It places an emphasis on

an understanding of an undefined social structure to protect a group activity ahead of protecting the rights of individual Canadians. This tilts the scales of justice, perhaps even to the extent of discrimination between Canadians on the basis of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability if situations are seen to be contrary to the directed interpretation of this amendment.

In my opinion, this amendment is faulty and biased for these reasons. First of all:

Clause 1(a) The fundamental characteristic of Canada, to me is an over-simplified characteristic of the Canadian population, ignoring significant segments of the population which have been on this continent for thousands of years, as well as precluding any contribution made by non-English or non-French immigrants to the development of Canada. This introduces an aspect of discrimination between Canadians legitimizing future derogatory treatment of Canadians based upon language. Further, it creates a divisive groundwork for the interpretation that two Canadas exists—one in Quebec and one in the rest of Canada and the possibility of equivalence, in all things, of the two.

Clause 1(b) "Distinct society" clause item. This introduces a possible twist in meaning from Canadians as stated in paragraph 1.(a) to a group identity of Quebec in 1.(b) and perhaps by extension that all French-speaking Canadians are Quebecers. If there is intended to be a sense of equivalence between Quebec and elsewhere in Canada in 1.(a), then interchanging these two terms in this clause 1.(b) and Parliament of Canada and the Government of Quebec in Clauses 2 and 3 should satisfactorily meet the intent of this amendment. If not, why not? It also designates one political subdivision of 12 territories in Canada as being a distinct society, a term which could constitute a new ground for discrimination.

* (1540)

Clause 2 Makes it mandatory that the Parliament of Canada and the Legislatures of all the provinces, including Quebec and, by inference, all Canadians to preserve this "fundamental characteristic."

Clause 3 If it is true that Clause (2) includes Quebec, then this clause is only

necessary to indicate that provincial Legislatures have a responsibility to preserve and promote the distinct identity of their provinces. If, however, Quebec has no responsibility to preserve the fundamental characteristic of Canada but only to preserve and promote the distinct identity of the society of Quebec, where is Quebec's responsibility to preserve and protect the fundamental characteristic of Canada?

Clause 4 This clause tells me that of all the possible questions and situations a nation may face after approval of this amendment, only language can be exempted from the effects of this amendment. Will this lead to the possibility that some provincial or federal proposal, which otherwise may not meet this amendment, can be exempt if it is interwoven with language connotations?

If the language interchanges suggested above are acceptable, then the purpose of this amendment is to increase the power of the provincial Governments, and it would be more acceptable to Canadians to state the blame for this as a demand of Quebec to sign the Constitution. This imposed, declarative amendment can only lead to the existence of two Canadas, one French speaking which must be considered as a distinct society, the other to be English speaking which then must be considered axiomatically as an indistinct society with an indistinct identity.

My dictionary defines "distinct" and "indistinct" in this way. If something is to be "distinct," something else must be either "indistinct" or at least sufficiently "less distinct" in order that the "distinctiveness" shows. The implication that one province in Canada has more distinction than the other provinces is false, in my opinion. Every one of them is different. There are no two alike and yet we are being asked to acknowledge a uniqueness in one without the attributes being stated.

The open-endedness of this amendment will distort all the qualities which are presently guaranteed by the Charter of Rights and Freedoms. The proposed changes will deny equality to all Canadians, inside and outside Quebec, by changing the emphasis from the rights and freedoms of individuals to control and power by institutions. The determination of clear definitions of the terms used are crucial to the individual, and should not be left for the courts to decide at some future date.

What happens if the distinct society wants to acquire some of the attributes of the indistinct society? Or equally, the reverse acquisition of the distinct by the indistinct? Could Clauses (2) and (3) of Paragraph 2 of the amendment be ignored?

The fundamental characteristic of Canada, the distinct society and the distinct identity are all broad-brush statements, requiring prior definitions by the drafters of the statements to which the courts can apply interpretations, not the reverse. The nebulousness of

the amendment is distinctly indistinct, in my opinion. I doubt that any lawyer would advise me to sign a contract as imprecise as this amendment. Parenthetically, I have to ask how many First Ministers who signed the Accord or pushed it through the Legislatures are lawyers, and did they take the wrong advice?

I have no difficulty with the objective of having Quebec sign the Constitution. What I have difficulty with is the necessity that the rest of the country must mortgage their rights into undefined jeopardy to achieve this objective. Do Quebecers not feel confident enough to achieve and maintain their distinct society from an equal footing with the other citizens of Canada, or is this what makes them distinct, lack of confidence in their own abilities, so much so that they need the rest of Canada to guarantee their success? Personally, I do not believe the majority of Quebecers are really that concerned about a guaranteed distinctiveness. Like the rest of Canadians, they probably want no more than to be left alone by Governments and pressure groups, to pursue their lives in a known environment.

A couple of passing thoughts, since Quebec did not sign the Constitution, and I presume one of the requirements in the oath of office MPs take is the defence of the Constitution, was it omitted from the Quebec MPs? Also if Quebec is not constitutionally a part of Canada, do we not have an unconstitutional Parliament, complete with Prime Minister and MPs from Quebec making laws for those who did sign the Constitution? Or if the representatives from Quebec legally are MPs without Quebec acknowledging the Constitution, why would Quebec ever want to sign it, unless it is to perpetuate a present advantage, seemingly benefits for Quebec without commitment to Canada?

The other amendment items, on Senate reform, immigration, the Supreme Court, economic conferences, opting out, are as fractious as the distinct society item and deserve the same fate—rejection—at least in their present forms. In particular, the First Ministers' Conferences should be struck from the Constitution completely. Such distinction given the First Ministers can be totalitarian in operation and is reprehensible in a democratic society, especially if the example the First Ministers have set for the approval of this amendment is any demonstration.

No group of people, regardless of their position in Government, should have the authority to impose their interpretation of Canada on all Canadians, denying them the right to explore the effects of such demands or of alternatives without the scrutiny of full public and legislative discussion.

Additionally, the First Ministers are, in my opinion, an anachronism in the Government. They acquire the position not through the decision of the electors, but because of their position in biased political Parties. Their authority should be as limited as any other Member elected to the House or Legislature, and as their Cabinet position may permit. This does not mean that they cannot meet or discuss any topic they choose and attempt to resolve national issues. However, any consensus they reach must be at the mercy of the respective Legislatures in which they serve.

* (1550)

They do not need a constitutional directive to operate their office or to alibi their actions. Biased political Parties are chosen by the electorate temporarily to operate a Government consistent with the objectives of the Constitution, and no Member of a political Party should be given a right to operate outside the Legislature, whatever his position.

The Constitutional amendment of 1987 is an omnibus amendment of a number of independent points that provincial corporations want to see enacted. Occasionally, the Constitution may need changing, but Canadians deserve to have each modification to their Constitution separately presented and fully stated. We should not be subjected to woolly worded demands by anyone or any group, which are essentially trade-offs—if I give you "X," I want "Y."

The Parliament and the Legislatures of Canada are given the responsibility to make and protect laws for the betterment of the people and of the country. It would seem that the Constitution amending formula would protect the Constitution from intentional or unintentional bias if the amendments were made one at a time. The amendments should be in a form of a completely new codicil, including a preamble of the need and objectives of the amendment, and that each change should have separate and full consideration in the approval process. This may slow down the amending process, but the Constitution should be a document of the people, not of Governments nor of the administration or pressure groups.

The overriding concern in a democracy is that the people have rights over institutions. The duty of the institutions is to serve the people and ensure the people the Constitution is theirs, regardless of the frustration it may cause specific institutional groups whose function can only be secondary to the Constitution. It should never be amended to facilitate any institutional grasp of power or ease the work of the institution.

I will ignore the notwithstanding item. The suggestion of a parallel document to me can only be described as manipulative. I would see it as me having the choice of saying I am a Canadian under Constitution A or Constitution B, and I don't think that is right.

In summation, I strongly suggest the Task Force recommendation to the Government of Manitoba on the Constitutional amendment be: The complete rejection of the Meech Lake Accord because it does extensive violence to the existing Constitution. Tinkering or paralleling won't help. The process must be restarted with public input.

To me, there are fundamental concepts which have not been considered or deliberately ignored. Sometime during the process of governing, it must be a responsibility of Government to defend the existing laws. In this case, it has to be considered unique that a provincial Government is now the court of last resort for a federal responsibility to defend the Constitution of Canada for Canadians. Even though there may be desirable provincial goals included in the rejection, those goals can hardly be worth the loss of fundamental rights to all Canadians.

Mr. Chairman: Thank you, sir. Any questions? Thank you. Mr. Jonathan Crowe.

Mr. Jonathan Crowe (Private Citizen): Has everyone got a copy of the—here they come.

Mr. Chairman, I would like to thank the Task Force for making it possible for me to make this presentation. Although I have not been around as long as some people here, I felt it was important that I make my views known.

Two years ago this Sunday, in the middle of the night, 10 provincial Premiers and a Prime Minister eager to please met to decide the future of the country. They did it without consulting their Cabinet, their Legislatures, or the Canadian people.

The result was the infamous Meech Lake Constitutional Accord that we have before us for public scrutiny at these hearings. I am here today because I have grave concerns about this Accord. I feel it is detrimental to the unity of our country. This Accord, as it gives more and more powers to the provinces, could mark the beginning of the end of Confederation.

I know that I do not have much time, Mr. Chairman, so I shall go through my concerns as quickly as possible. If there are any questions at the end, I will be happy to answer them.

To begin, I would like to discuss the distinct society provisions of the Meech Lake Accord. In this Accord, Quebec is given a role to preserve and promote its distinct society within Canada, while Canada and the rest of the provinces are given a role to preserve the fundamental characteristics of Canada, which is described as the existing linguistic duality. Because the provinces are given roles in the Constitution, they are given sweeping powers to fulfill their roles, powers that could be detrimental to individual and minority rights. It does not just apply to Quebec, for Canada and the other provinces have, under this Accord, a role to preserve Canada's existing duality. Now, preserve may mean no more than keeping things the way they are, no matter how bad they are, but I will go into more detail about that later on in my presentation.

The Quebec Government, however, is given a role not just to preserve but to preserve and promote its distinct society. There is the special status, the extra powers for Quebec. The question to be asked here is: what does preserving and promoting mean? What does a distinct society mean? The Accord does not specify.

Because of this, I believe it is possible that a provincial Government could play fast and loose with a pretty vague definition, and could use the clause to ignore, neglect or persecute linguistic or cultural minorities, without ever having to use the notorious notwithstanding clause. A Quebec Premier would be able to say, for example, "the Constitution says I must preserve and promote Quebec's distinct society. To do that I must, for example, not permit any English education in this province." This argument, I think, could be used to strip away the rights of the minorities, be they linguistic, cultural or any other you could think of.

If this clause were to be adopted, the rights of a rather vague distinct society could take precedence

over individual rights, because the distinct society is in the Constitution. This should not be allowed to happen with either a "distinct society" clause or a notwithstanding clause.

In defence of the "distinct society" clause its supporters maintain that the Province of Quebec needs the special status of a distinct society to protect their culture, their heritage, their traditions and their language, and so forth. I disagree and must ask: is it necessary for the Government of Quebec to have these added powers? Cannot Quebec's culture survive without it? Is it so fragile that their Government has to resort to heavy-handed tactics to trample out all other cultural competition?

I am sure what I have just suggested is insulting to the people of Quebec. They have every right to be insulted because I believe they have moved beyond saying, "we are too weak, we need the distinct society to protect us or we will all be wiped out." They know they can survive through their own efforts. In that sense, the distinct society is nothing more than a cheap power grab by the Premier of Quebec.

If we recognize Quebec as a distinct society, then we forget the Francophones who live outside Quebec. According to Meech Lake, they are not distinct. They do not warrant the shelter of special status. As well, and this is very important, the other cultural minorities that are as much a legitimate part of Canadian culture and heritage do not get the same protection as Quebec.

I would like to take the obvious example of Canada's aboriginal peoples. If we recognize Canada's French language and culture as distinct, then certainly the aboriginal peoples of Canada constitute a distinct society of their own. It is quite clear their cultures are quite different from those of either English or French, and political expediency has overlooked them.

While I do not profess to have any expertise in this department, it is easy to see that our Native peoples are different one from another. For example, the Inuit culture and language differs from that of the Nootka; the Iroquois heritage differs from that of the Dene peoples. So we really cannot say that Natives, as a whole, are distinct because the cultures are as different from one another as English is from French. To be fair, we must recognize a multitude of Native cultures.

It is the same with all our cultures. We cannot simply say that only English and French are a fundamental characteristic of Canada, without ignoring those who came after the English and French, as we cannot with those who came before, Germans, Ukrainians, Japanese, Hindu, Italian and many more. These cultures that make up our multicultural heritage have been given the brushoff by the engineers of this Accord. That's sad because the fundamental characteristic of Canada is more than English or French.

There are many cultures in Canada, each different from each other, each their own distinct society. To recognize just one or two in the Constitution would be an incredible show of ignorance, and we should be taking steps to recognize the culture, language and heritage of all Canadians, not just a quick fix that

satisfies the basic demands of one Premier. Others could have been included, but others weren't, and in that sense the Meech Lake Accord fails to reflect the reality of this country.

As I mentioned before, the other provinces have only to preserve the French minority. Whether the status quo is fair or not, all they have to do is preserve it. If the status quo is to do nothing for the minority, as is the case in, say, Alberta and Saskatchewan, then that can be preserved, and the provincial Governments can simply let them be assimilated. How far could this go?

Mr. Chairman, I fear that these provisions in the Meech Lake Accord, with Quebec protecting its distinct society and the rest of Canada letting its French minority be absorbed, would lead to a Canada split into two solitudes, into deux nations, where Quebec would be French only and the rest of Canada would be English only.

* (1600)

In some ways, we are already divided. The argument against bilingualism is that no one speaks English in Trois-Rivières and no one speaks French in Red Deer. So why make it more difficult for both? However, if this country is to survive another 120 years, we must make an effort to unify it, not by assimilating one or the other but by embracing both linguistic groups. That is why bilingualism is necessary, because it will unify without assimilation. If, as Lincoln said, "a house divided cannot stand," then to keep this country together we must embrace bilingualism. Bilingualism will be our first small step to a truly multicultural society.

I would now like to address how people who live in the Territories have been treated by the architects of the Accord. As we all know, northern Canadians were completely left out of the discussions of the Meech Lake Accord. It was strictly a cosy little arrangement between the Premiers.

Not surprisingly, the North has been completely neglected by this Accord. When senators and Supreme Court justices are selected, the provinces submit names, and the Territories are not even mentioned even though the Territories are entitled to two senators. As well, the Accord has done nothing to change the fact that the North is still shut out of any constitutional discussion. These changes would not have taken very much, but remember, this was a quick political fix at four in the morning.

Under the proposed changes to the amending formula in this Accord, the North would be permanently locked into their territorial status. Would a Premier have his voice reduced at the First Ministers' table by the presence of another new Premier? If the western provinces want to expand northward into the Territories, any one of them could veto the entry of a new province from the North.

I have one other major concern about the changes to the amending formula, a concern that is likely shared by many in this room today. The proposed unanimity requirements of the amending formula have eliminated any hope we have had in the West for Senate reform.

With any changes to the Senate requiring the consent of all the provinces, a Triple E Senate can never be achieved because Ontario, which under a Triple E Senate would lose ground, would certainly veto such a proposal in its own best interests.

I hope we can still have an elected, equal and effective Senate. I would have liked to have seen a Senate, for example, with nine senators from each province, one third—three from each province—elected every three years for a nine-year term, with three senators each from the Territories. But that or any other elected Senate proposal is made impossible by the Meech Lake Accord.

A considerable amount of power has been transferred to the provinces in this Accord. They now have control over Senate appointments, Supreme Court appointments, immigration, and the ability to opt out of national programs. As if this wasn't bad enough, the federal giveaway will continue on a yearly basis. Constitutional conferences will be held once a year, and the agenda—every year, at every conference—will comprise of Senate reform, fisheries, and anything else the Premiers want.

We know what will happen to Senate reform. With Ontario's veto, it's a dead end at these conferences. But the fisheries are on the block, and anything else the Premiers have decided should be under provincial control will be with it. These conferences will have all the airs of a fire sale.

The Prime Minister has said that this Accord is essential for Canadian unity. He's got unity for now, that's true. He's done it by giving everything away by appeasing the provinces. Well, history has shown us that whenever you appease someone, he'll be back for more, and these constitutional conferences are the perfect place for it.

This Accord will create in Canada a select little club of provincial Premiers meeting every year to discuss the Constitution and demand more and more from the federal Government. This Premiers' club will not even allow the entrance of new Members without the unanimous consent of all the present Members. This club will proceed then to increase the power and influence it has at the expense of national unity and a weakening federal Government.

This Accord has been called essential by the Premier of Quebec and several nationalist Ministers in the federal Cabinet. They reason that if the Accord is rejected by Manitoba or any other province, a wave of separatism will reawaken in Quebec. They argue that Quebec will feel that they have put their demands forth and they were rebuffed, and will therefore be isolated from the Canadian family. I disagree. There must be other ways of welcoming Quebec into the constitutional fold without the price being the survival of Confederation.

The Accord is by no means a safeguard against separation. It is not a wonder document that will keep Quebec within Canada forever. As I've said earlier in my presentation, this Accord divides Canada into the old, outdated concept of deux nations. With a French-only Quebec and the rest of Canada English only,

Quebec would be separated from the rest of Canada linguistically, and that would be more of a separation than any threat of a separatist movement. With the other powers given away and with the constitutional conferences every year, the chances of Quebec separation happening would become greater and greater as Confederation grows weaker and the provinces go stronger.

Claude Morin, who was a well-known Parti Quebecois Cabinet Minister, said on separation: "We'll separate from Canada the same way that Canada separated from England. We'll sever the links one by one, a little concession here and a little concession there, a move here and a move there, and eventually there will be nothing left."

I submit that this Accord is that "little concession." This Accord will do more for separatism if it's passed than if it's rejected. If this Accord passes and is incorporated into the Constitution of Canada, I could see within my lifetime the disintegration of the Canadian Confederation into a loose collection of provincial jackals fighting over the remains of this country.

I don't want that to be Canada's fate.

Mr. Chairman, this Accord is a quick-fix political agreement that does not address the real problems in the Constitution or the real nature of Canada. There's no Senate reform; the notwithstanding clause is still there; it's joined by a "distinct society" clause that is a very real threat to individual rights. The Accord reflects a belief that Canada is only English and French. Thus, this Accord is out of touch with this country.

What then should the Manitoba Government do? It could try to amend the Accord, but the amendments would have to be extensive to satisfy all the problems I've outlined. Besides, the Prime Minister and Premier Bourassa would reject any amendments. To amend it would be to kill it, they say. Pass it first, we'll fix it later, they say. Now, why would a change after it's ratified be more acceptable to them than a change before? Obviously, I think it's another ploy to fool us into passing this Accord in good faith.

The proposal of a parallel Accord does not make any sense either. To me, it seems a parallel Accord would either cancel out or override Meech Lake, which would be unacceptable to Mulroney and Bourassa, or would just be lip-service. A parallel Accord seems to be a political cop-out, trying to satisfy everybody without accomplishing anything.

Therefore, Mr. Chairman, I urge that the Manitoba Government take the one path left to it, and that is to completely reject the Meech Lake Accord. Now, if there are any questions.

Mr. Chairman: Are there any questions? Thank you very much. Ms. Draper, Ms. Stechishin, the Manitoba Child Care Association.

Ms. Gale Stechishin (Manitoba Child Care Association): Good afternoon.

Mr. Chairman: Good afternoon.

Ms. Stechishin: I would like to thank you for the opportunity to appear here today. My name is Gale Stechishin. I believe I'm incorrectly listed as Carol. The correct spelling is G-a-l-e. I am the vice-chairperson of the Manitoba Child Care Association; I'm the chairperson of the public policy committee of that association; I'm also the director of Lakewood Children's Centre, a 48-space school-age centre located in St. James. Ms. Draper is unable to speak today and I have brought with me Christine Burton. Christine is the assistant executive director of the Manitoba Child Care Association. We've submitted our brief in advance so we will be brief here.

Mr. Chairman: How delightful. Thank you.

Ms. Stechishin: I understand that it will be included in the proceedings.

Mr. Chairman: It certainly will, the whole written brief. Everyone's full written brief will be in the proceedings.

Ms. Stechishin: Thank you. You have that brief now. I would just like to draw your attention to page 6, one of the paragraphs there which reads: "The Manitoba Child Care Association believes that we all, politicians, child care professionals, interest groups, parents and non-parents alike, share a collective responsibility to the children of Manitoba and of Canada. We are fortunate in having the basis for an excellent child care system in Manitoba. As responsible citizens of Canada and stewards of all our children's futures, we should do what we can to ensure that all Canadian children have the benefit of the same high standard of care. This requires a national approach and the kind of financial support that is possible only with federal Government involvement."

I would just for a moment like to speak from my heart. The Manitoba Child Care Association most recently was very proud and honoured to co-host the first National Day Care Conference in Manitoba. I had the opportunity at that time to speak to many of my colleagues from across Canada—Prince Edward Island, Victoria, the Yukon—and I was overwhelmed by their comments about the quality and excellent care in Manitoba. That brought to mind how diversified child care is in Canada. It is my personal feeling and indeed it is the feeling of the Manitoba Child Care Association that all children in Canada should be afforded the same excellent quality of care that we receive here for our children.

Just before I pass the mike to Christine for her comments, I would like to commend you for recognizing the importance of child care, with the availability of care within this building for persons attending these hearings.

Thank you.

Mr. Chairman: Thank you.

Ms. Stechishin: Christine.

* (1610)

Ms. Christine Burton (Manitoba Child Care Association): Mr. Chairperson and board Members, we are not an association of constitutional experts, nor are we politicians charged with responsibility of making and implementing decisions that fully integrate the concerns and interests of an entire province or country. We are an association of 1,900 child care professionals, support staff, students, parents, educators and other groups and individuals concerned about and charged with the duty of working to ensure the highest quality of care for Manitoba children. There are parallel associations to the Manitoba Child Care Association in all other provinces and territories. We are also members of the Canadian Child Day Care Federation, a national organization with the same goals as the Manitoba Association, but working for the benefit of all Canadian children.

This, I believe, is an important point. We work for and agitate on behalf of the children entrusted to our care. We, together with the national association and other provincial associations, have been lobbying Governments for many years to establish a national child care program. We have been asking for such a program because we deeply believe that putting the needs of the adult aside that the needs of our children, the standard of care for our children is the most important issue here. Every child deserves to receive the same quality of care and every child deserves to have that standard established at as high a level as possible.

As Ms. Stechishin indicated, we had a national conference here only three weeks ago. There we were strengthened in our resolve to achieve a national child care program by comparing our standard of care with that of some other provinces. We do not speak for the national association, nor for the other provincial associations, but we would ask you, do you wish to be party to an Accord that could reduce some of our children to second-class citizens without the guarantee of a minimum standard of care, depending on their province of residence?

This Task Force has an even greater responsibility in its deliberations than might ordinarily be the case, as it is one of only two provinces that have undertaken the responsibility of holding public hearings on this issue. Your decision will affect children across the nation. We, at MCCA, believe that the Meech Lake Accord could be the death knell of a national child care program established to protect our children. In addition, we do not see how a federal Government could possibly establish a national child care program, spending national tax dollars, unless it is in fact a national program.

As in the brief, we indicated we are very pleased by Quebec's willingness to join the Canadian constitutional family, as indicated by its signing of the Meech Lake Accord. We are confident, however, that this can be achieved without taking the path outlined by the Meech Lake Accord. We have not provided any recommendations in either our written submission nor in this brief. We believe that to be the role of our elected officials who have the opportunity to consider the Accord while in possession of a broader array of facts

and who can make their decisions in the context of the greater national and provincial interests. We would ask what greater national interest could there possibly be than the future of our children. We ask this Task Force to convey the concerns of the Manitoba Child Care Association to the Legislature in its recommendations.

We have deliberately kept our presentation brief. Our written submission deals more specifically with our view of the technical elements of the Accord and we would appreciate it if it were read, in addition to this presentation.

We would, however, welcome any questions that any Members of the Force might have to clarify our position.

Mr. Chairman: Thank you. Mr. Doer.

Mr. Doer: Thank you very much, I am sure you have a lot of work today with the announcement last evening. You mentioned the National Child Care Conference and the position of wanting Quebec into the Constitution, but with the changes on the national spending program issues that you have raised in the brief for a National Child Care Program. At that conference, was there any debate with the people from Quebec and was that a universal position in terms of the need, in terms of the spending power provisions? Can you enlighten us on that at all? I respect certainly the position you have taken in terms of the Manitoba child care workers and a national child care program.

Ms. Burton: The Meech Lake Accord was not specifically discussed at our conference. Our conference was very heavily attended by delegates from Quebec, as well as a large student delegation from Quebec. They also commented on the quality of care that we have established here, but the Meech Lake Accord itself was not specifically discussed. They, however, have supported the position of establishing a national child care program.

Mr. Chairman: Thank you very much.

Ms. Burton: Thank you.

Mr. Chairman: Mr. Vaughan Baird.

Mr. Vaughan Baird (Private Citizen): Thank you, Mr. Chairman. They are passing out my submission, but I am also giving you the Debates from the House of Commons—I should say from the Senate—which deal with Mr. Trudeau's address to the Senate. Now I think most of you know where I am coming from. I ran under Stanfield-against-Trudeaumania and lost my deposit, but that is life. I want to say that as somebody interested in our Constitution that you should read this debate, this submission I should say, by the former Prime Minister because it is outstanding when it comes to deal with our Constitution. It is outstanding as a French-speaking Canadian addressing this distinct society and the Meech Lake Accord.

Now it appears that we are going to have two kicks at the cat. We are having these hearings now and if

the Government decides to submit the resolution again to the House then, according to the Rules, we have a right to come back and discuss it again. I sincerely hope that resolution will never be submitted to the House again.

I want to compliment Mr. Doer in that his speech "that we take the high road" when it comes to the Constitution, and not the political road, I really appreciate it. I also want to say to Mr. Carr, I think you hit the nail on the head when you said, when Bourassa brought in the notwithstanding clause, Bourassa was acting in the spirit of Meech Lake, if he had of had Meech Lake through. You were right on, short, sharp, with it.

But I want to start out that I am a Francophile. J'étais l'avocat pour Roger Bilodeau sur la question de constitution de Manitoba. Et j'étais l'avocat sur la question de référence pour la part de Roger Bilodeau. I appeared in the Supreme Court of Canada on the question of the two official languages, that Manitoba has two official languages, in the reference case and then in the Bilodeau case, and I would submit that what I have to say could not be interpreted that I am anti-French, anti-Quebec or anti-Canadian.

I would submit that with regard to this I am speaking as a Canadian. When the Government of Bourassa said that the French on the outside signs and English permitted only on the inside signs, it has been known as the inside-outside law, Bill 178 or, as a British Columbia journalist stated: "You are telling us to put the English language where the sun doesn't shine." Mr. Bourassa used the notwithstanding clause, denying man's basic principle of freedom of expression.

Now, that's on page 2 in the middle and I'm going to try and be short on this in this submission but the thing is he, to me, is denying the freedom of expression of a language which is our basic right, and he is trampling upon it. Now, he said he does not accept the Constitution of Canada, the 1982 Constitution of Canada, yet he implemented it and used it to deny the English speaking their rights. I submit—you had submissions today that said no, publicity isn't a freedom of expression, it is a freedom of expression. Publications, books, everything are part of our freedom of expression.

Distinct society on page 3, on January 4, '89, I suggested to the three leaders of the Parties in Manitoba that a referral be made by the Manitoba Government to the Supreme Court of Canada of the interpretation of "distinct society" and how it affects our Constitution and the question of division of power.

On January 11, 1989, Mr. Filmon suggested to Senator Lowell Murray that the federal Government refer the controversial clause to the Supreme Court of Canada, which the senator refused on behalf of the federal Government.

Read where Bourassa on June 18, 1987, at page 8708 of the constitutional Accord report stated, "The entire Constitution, including the Charter, will be interpreted and applied in the light of this section on the distinct society. The exercise of legislative authority

is included and we will thus be able to consolidate existing positions and make new gains."

On June 19 at page 8784, Mr. Bourassa's Minister for Federal-Provincial Relations was quite clear and stated: "The distinct society gives us a tool with which to interpret and give real significance to this sharing of legislative authority because there are grey areas and ambiguities."

Your committee could recommend my first option, that the Government of Manitoba be the ones to refer to the Supreme Court of Canada, and then they would have control of the matter of timing and how the questions are worded. "Distinct society" is in the interpretation clause and, as the former Prime Minister Trudeau stated at page 2994, Senate Debates, March 30, 1988, "At best this clause is a prescription for discord, but at worst, it says that Quebec will evolve under different constitutional rule than the rest of Canada, because only Quebec is a distinct society." I ask you, ladies and gentlemen, are we indistinct, then?

At the very most, it should have been put in the preamble and not in the interpretation clause.

Bourassa says the "distinct society" clause would have given them power to implement their language Bill without using the notwithstanding clause. Mr. McKenna is worried that the Meech Lake Accord infringes on the rights of Natives, women and linguistic minorities. The English-speaking in Quebec stated that the "distinct society" clause would diminish their rights, those of women, aboriginal people and minority groups.

The Supreme Court of Canada put to rest the theory for all in the reference case in 1981 that no "one" province has a veto power nor never had on the Constitution of Canada. That's a very important one to remember, ladies and gentlemen. No one province has the veto power.

* (1620)

We hear politicians and journalists say that Quebec must be brought into the Constitution and sign it. Quebec is already in the Constitution and no province signs a statute of Parliament, only the Governor General, or in this case the Queen. It was rather interesting, for the first time in history the Prime Minister added his name, then the Minister of Justice, Jean Chretien, and then one other Minister, and all people who signed it were French-speaking Members of Parliament. Remember this, one-third of that Parliament was French-speaking who voted in favour of that Constitution passing, and it was supported by the Government of Quebec at the time.

The Meech Lake Accord, under the scrutiny of the bold light of day does not stand up to the test of what a Constitution should achieve. It should be clear in expression so that it will not mislead or confuse the people and establish strong logical principles so that it will endure.

You have heard numerous speakers from Manitoba who have stated their fears in respect to the Accord, so I will not repeat their arguments but only give citations that I too disagree on various aspects.

Disallowance: Manitoba and many provinces in Canada desire a strong federal Government which will speak for all Canadians. I would recommend that your committee report that Manitoba should call on the Prime Minister, now the dust has settled, to use Section 90 of the Constitution Act 1867 to disallow which has been referred to Mr. Bourassa's Bill 178 which prevents the English expression in the light of day. It will awaken that silent majority in Quebec that I am sure exists and re-establish the principle that the two official languages shall be respected. The freedom of expression is a foundation stone of which no Government should be allowed to trample.

On the question of Senate appointments, I will just deal briefly with that. It is rather interesting. If the provinces have the right to appoint the senators, if we fall through the—well, under the old system, it will be the year 2006 (I am on page 7) before the Tories would have a majority in the Senate. Now if you recall, and let us take a practical case, the free trade when it came up, Mr. Turner called on the Senate to block it, so the Prime Minister called an election and he won the election so the Senate passed it. But if Meech Lake had gone through before that, Meech Lake could not be fired because it would take unanimous all-provincial to agree, all provinces.

So it is rather interesting. There is no Progressive Conservative Government provincially east of Manitoba with the exception of Nova Scotia now. So in our lifetime and in the year 2000, there will never be a majority in the Senate, 2025 we could say by the looks—if you follow this. I do not think they really thought it through.

The territorial Governments do not have any right to submit nominees for the Senate to the federal Government. Under the transitional Senate reform of the Prime Minister, the provinces will submit names and the Government will decide.

We have the suggestion of a Triple E Senate, but this will be a Triple P Senate. Now a Triple P, they are giving the power to the provinces to nominate and it will be the Premiers who do it. So it will be a Triple P Senate, Provincial Premiers' Patronage, and when will they give that up? That will be another 50 to 100 years. The senators will represent the provinces thus weakening federal power. Senate reform will be virtually impossible. Disallowance of the territories is repugnant to our form of Government. In my opinion, Meech Lake will destroy Canada as we know it. The provinces will have gained tremendous powers and it will emasculate the federal Government.

The Supreme Court appointments, and I think one should really look at those sections on the Supreme Court because they deal with the six who are appointed by the English speaking and they deal with the three, but the wording is different. The Governor in Council shall appoint a person whose name has been submitted by the Government of Quebec. Now, Quebec will have the right to three judges on the Supreme Court of Canada. Even if those three people are separatists, in my opinion, it is mandatory upon the Government of Canada to appoint them. But supposing the Government of Canada refuses to appoint those nominated by Quebec and Quebec refuses to submit

other names. There is a void on the Supreme Court of Canada.

There is no procedure to rectify the problem if the person's name submitted is unacceptable to the Governor General in Council and the province refuses to name any other person. The constitution of the courts could be challenged and undermined. They could destroy the Supreme Court of Canada in this aspect, because there is no provision. They did not think it through. If Manitoba does not submit a name, they can go to another western province. That is fine. They can go to—they have the six. But on Quebec, they have the right for three, it is built in. It does not matter if, say, the population of the West grows. Quebec mandatorily has a control, a block of three always. If you do not accept my three, then I will not appoint anybody and I will not recognize the decisions of the Supreme Court. I hope the Attorney General takes that aspect in. The territorial Governments are denied the right to submit the names for the other six Supreme Court judges. This is once again repugnant to our system of Canada.

And then I deal with in the E section: Unanimous Accord—One Province One Veto. Then I deal with immigration. I'll just be brief on that, but when you can make a contract that Quebec is to have 5 percent more than what's built in, then it is repugnant to our system, because what are we going to do? Restrict those people from moving out of that province, or are we going to say, the West can't get any more immigrants because you've taken away from the 5 percent more?

Now, A Prescription of Deadlock: The Accord would require unanimity in respect to changes in the representation and that has been dealt with very strongly. I do not need to go into it, but I think you can cover it, but it is a prescription for deadlock.

New Provinces: I think this is one of the important ones, I really do. Robert Bourassa of Quebec stated in the debates of the Senate on March 23, at page 2915: "As far as new provinces are concerned, I do not have to elaborate on the threat which the addition of new provinces would represent for Quebec's collective wealth, especially in regions where natural resources could become fully developed."

Mr. Bourassa has his eye on the expansion of Quebec northward. If the North cannot become a province, then it will become a colony of the South. When the Province of Quebec was created, it was given Ungava. The North contains rich mineral deposits: asbestos, nickel, copper, uranium, iron ore and oil. The wealth remains largely untapped, but it shall be developed. What of the islands in our Arctic and their mineral resources? Mr. Bourassa will block any hope of the North controlling its own destiny. It is my understanding that Mr. Bourassa is looking at going straight north from James Bay up Baffin Island and that will be part of Quebec's resources.

I can sympathize with the North, their feeling in it, but I also realize for other provinces, Quebec and Ontario are far too large. They should never have been allowed to be so large, because it is dangerous for Canada. They dominate the system. For a good Confederation, it should have been smaller provinces

or divided, but it is too late for that now. If they are going to take over the North, I would like to stop it but I'm just a voice in the wilderness.

I deal with constitutional amendments to the Accord, and I'll try and be brief, and the annual amendments. The question of the annual amendments and aboriginal people, etc., I deal with that on page 12. The thing is, if you are going to have annual meetings and you want to put it on the agenda, ask yourself the question, do you have to have unanimity to put your question on the agenda? They haven't even looked at that. Suppose the West wants Senate reform. Well, they say it is already on the agenda, but supposing you want something else on the agenda. Do you have to have unanimity?

Summation: My own submission is the Prime Minister should respect Manitoba's right to veto the Meech Lake Accord in light of the fact he will tolerate no amendments. The grey areas and deficiencies throughout the Accord do not lend it to be a proper constitutional document. Time is on Manitoba and Canada's side, for the people of Canada are realizing what this discord can do to our nation. In my opinion, it will destroy Canada as we know it, and we will fall region by region into statehood with the United States.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Baird.

Mrs. Carstairs: Mr. Baird, can you give us your view on the proposal of a parallel Accord?

* (1630)

Mr. Baird: My own opinion is, and I am stealing a line that Izzy Asper used out at the University of Manitoba, he said, "Meech Lake is polluted." To me, to try and do a parallel Accord which might be described as Manitoba Lake No. 1, or Meech Lake No. 3, but I would submit you try and do a parallel Accord and you will be dominated by Meech Lake which is polluted, which will affect your own Accord. To me, you try and do it, and it'll lead to destruction really. I would say it is the most dangerous thing you can do. If you start out with a clean sheet and say, okay, Manitoba Lake No. 1, and we do what we think the Constitution to be, fine, but do not be looking at Meech Lake because if you try and improve it, it will just be a disaster.

Mr. Chairman: Any other questions? Mr. Carr.

Mr. Carr: Mr. Baird, many people who have made submissions to the Task Force have talked about process. Do you have any suggestions to make about how in the future we may as a nation want to go about the business of amending our Constitution?

Mr. Baird: I would say what has happened now and in the light of day that we should set aside our Constitution. It is taking time to digest it. The Supreme Court is coming down to decisions. It took us 115 years to bring the Constitution back so why are we rushed that every year we must have something on the agenda? I sincerely believe that set the Constitution aside and

let us digest it, and let us get some of this bitterness out of the air.

But I just want to quote Brian Mulroney where I stand and he said—and he dealt with the Constitution and I believe he should go back to it and read his own book at page 61. He said with regard to the Constitution, "The debate would be entirely open to the public at all times" and then this is really an emphasis, "There would be no sessions behind closed doors. Canadians could see and judge those who have been elected to serve them and determine if, in the interest of a more generous country, they have really answered an urgent and irresistible call to grandeur."

To me, I think our Constitution—if you are going to make an amendment, I think put it in the open, have a discussion, let us hear what the people are saying and let the public, and get the feedback. But it takes time to make a Constitution, but there is certainly no beauty in this polluted Meech Lake.

Mr. Chairman: Any other questions? I cannot resist, sir. Your suggestion for the revival of the disallowance power which you would know better than I is really considered to be dead letter in the Constitution, is that just for the purpose of dramatic emphasis or are you serious?

Mr. Baird: Definitely not. I am very serious on that. To me, while it has not been used, it is in our Constitution and I think it is a very important aspect in our Constitution and I never want it done away with. The reason it has been played down is because Quebec has demanded that this be withdrawn from our Constitution.

I think it is important because let me put it this way. If we had this—like we have this notwithstanding clause now and that could have denied the freedom of religion in Quebec too. Our freedom of religion was the decision, if you recall, a number of years ago and the Premier was trying to—there was a religion that he did not respect and he tried to censor it and close it out, and they said, no, freedom of religion. All right.

The disallowance is so important. Alberta too, Alberta would not allow United Nations literature to be distributed because the United Nations had a communist member in the United Nations. To me, the disallowance should be used rarely but important when you are trampling upon the rights of the individual. It is the individual you should think of because the individuals make the nation, believe me.

Mr. Chairman: Any other questions? Thanks again, Mr. Baird.

Mr. Baird: Thank you.

Mr. Chairman: Mr. Anthony Moreau.

Mr. Anthony Moreau (Private Citizen): Mr. Chairman and distinguished Members of the panel, I feel somewhat in awe by being here today because of the distinguished people at the head table because I am definitely not in that class. I consider myself a genuine

citizen who is trying to bring a message to you people here. I am also humbled by the presenters that I have listened to. Today at lunch hour, I had the TV on and I listened to it, and this morning, and I was very, very impressed.

So why am I here? I am here because I have three basic philosophies that maybe are hereditary. Ignorance in action is a terrible thing to watch. Authority out of control is also a terrible thing to watch. The citizens should be consulted in a democratic society, and the citizen in turn should be willing to make some input in a democratic society. That is why I am here.

The citizen maybe has not got the training to distinguish between right and wrong but he should let his feelings be known, based on the research of the bureaucracy, based on the research of the MPs and his comments. The citizen's comments as a result of that should be what he wants, and hope it is right. I have only got a five-minute speech here so I will read it for you.

How many times do we have to hear the opposition to Meech Lake before it sinks into our heads that is what it is? I recall my father used to say, how long do we have to be in this country before we are known as Canadians instead of hyphenated Canadians? How long do we have to be here?

Meech Lake is flawed because the Canadian Constitution Act of 1982 is flawed. It states that future amendments can only be made by the Prime Minister and the provincial Premiers. The very instrument that is to protect the people from the Government, that draws the line beyond which the Legislature cannot go has no direct input from those it is designed to shield.

The patriation of the Canadian Constitution from Britain to Canada was a distraction to the terms of the document. Where the Constitution sits took precedence over what it said. Frustrated over the bickering at the conferences, Mr. Trudeau amazingly suggested that a referendum be held to get the opinions of the Canadian people and that solved the impasse. The Premiers refused. It was, in my opinion, a public admission that they refused to take instructions from the electorate. To them, a term in office made them masters and not servants.

I would just like to interject at this point that what I have written here is from the heart and I have no intention of offending anybody and, if I do, I will apologize in advance. Now comes the evidence that the Canadian Constitution is flawed with the arrival on the scene of Mr. Mulroney. He had two choices as I see it.

1) Take advantage of the amending formula and introduce Meech Lake Accord, which caters to Quebec at the expense of the rest of Canada, ingratiate Mr. Mulroney to the people of Quebec, thus entrenching his political life and that of his Party, and finally, offering a third level of Government to the Premiers as the glue that holds it all together. Obviously it worked, because all the required signatures were secured except there are now three signatories that are not around any more.

His other choice, of course, was to do nothing, thereby recognizing that this second round of the Canadian

Constitution would be heaping error on error. The temptation that Mr. Mulroney and the Premiers faced was to take advantage of the weak Canadian public or make up for that same weakness. They chose the former, thus revealing a serious character flaw to go along with the constitutional flaw, namely, a grave misunderstanding of their mandate, which public protest after public protest on all kinds of levels gives witness to.

* (1640)

Is Quebec a distinct society? Yes, it is, but it is foolish to draw attention to it with official recognition. While we see that Quebec is different in trying to maintain their French culture in a sea of non-French, we should attempt to list more of their identifying marks. France abandoned them in their early history. They are still fighting the battle of the Plains of Abraham. Their poor self-image made them subservient at that time to the Church and their English bosses. Their own leaders copied the English in trying to keep them down. They have always been uncommitted to Canada as a country. They ignore official bilingualism.

As far as I am concerned, there may be a few exceptions but they only travel south and to Europe on their holidays. Canadian flags are burned there. Catering to Quebec has cost Canada untold billions and sapped our energy. Disunity has been established past, present and future. It's a case of Quebec nationalism versus Canadian nationalism. Trudeau said, and I quote, "I saved Quebec, somebody else can save Canada." What I see is notorious behaviour and does not merit any special awards.

Shall we officially declare unique the Maritimes for shipping a high number of native sons to Toronto, Ontario; for shamefully remaining neutral so that they can keep Quebec as a giant customer for their goods and services; Manitoba, for considering the word "bilingual" to mean any two languages, or English and Ukrainian; Alberta, for having more relatives in Utah than in Calgary; Vancouver, where the view overshadows any of life's pursuits?

Trudeau's policy has divided the country, not unified it. Do we have an appropriate label to describe this serious problem to match the labels given to those on the other side of the question, such as bigot? I think that the splitting up of Canada should have a label and in my limited vocabulary I haven't found it yet. I wish somebody would come up with it.

I wrote a letter to Bourassa the minute he invoked the notwithstanding clause to introduce Bill 178 regarding indoor-outdoor signs and recommended he have the courage of his convictions to reject publicly the Official Languages Act of 1969. I recommend that Manitoba do the same.

Former Premier Campbell said in 1983 during the French Language debate in Manitoba, "keep your powder dry." Meech Lake proves he knew what he was talking about. Thank you.

Mr. Chairman: Thank you, sir. Any questions?

Professor Donald Bailey. I understand, sir, that your written brief is for our perusal but you will be speaking from informal notes?

Mr. Donald A. Bailey (Private Citizen): Yes.

Mr. Chairman: Thank you.

Mr. Bailey: I would like to say, Mr. Chairman, before the clock starts ticking that it is a pleasure for me to be in your presence again, after almost 15 years, and especially two weeks after I was in the presence of your son, whom I was delighted to see was in good health and very pleased to hear. He's a magnificent young man who speaks with a great deal of dignity and who has been through a lot with considerable courage. I wish him well and you too.

Time did not permit my writing a new brief, but I did want you to have the benefit of the published article which I have given to you because it is the only piece I have seen that focuses just on Quebec's five reasons for the Meech Lake Accord and then tries to analyze why someone could say this was the Quebec ground, defend Meech Lake on those principles and then come up with a document which seemed to have the so utterly bizarre, so unconnected from any Quebec objectives. I decided the only way to resolve that problem was to look at the Quebec demands, lay them on the Accord, and see if there was a fit. So the 18 pages of typed script that you have there was my original version of that. As it was published, it was changed slightly and condensed so you have the benefit of two versions, if you want.

I know it's very difficult to say anything new on Meech Lake, but I decided that I had to speak because I did fear there would be a lot of anti-French sentiment. I thought that I was one person who could speak in this room in this context without my pro-French credentials being called into question, because I became very heavily involved in the 1983-84 dispute when the Opposition tried to destroy the province and the country and the attitude they took at that time.

I am going to try to say something a little different today from what you may have heard for two reasons. One is I don't wish to bore you or any other listener, but secondly I discovered in 1983 and '84 that a good reason for the misunderstanding towards the rights of the French in the West had to do with simple ignorance of Canadian history on the part of large numbers of Manitobans, but also considerable ignorance about the history of the rest of the world.

There's a feeling that being a unilingual country is normal, when in fact the facts are contrary. Being a unilingual country is highly abnormal. It's rare, either today or in the whole of history, and there is no reason why Canada should feel that to be a nation it has to have only one language.

* (1650)

Now I'll try to turn to the notes that I've made and speak from them. The point in a nutshell, where Meech Lake Accord belongs actually, is that it should be scrapped in its entirety. The few initiatives in it worth saving are easily recalled and used again later. Perhaps they might be the fundamental characteristics of Canada that are described in the opening clauses or

even the "distinct society" clause if the word were changed to be "distinctive," as Brian Schwartz has pointed out, although there may be some problems with that too.

Perhaps we need to reform the way we select senators or Supreme Court judges, but at very least those proposals need thorough discussion. They don't need to be colluded in the middle of the night the way these have been and then defended the way they have been.

Now the reasons why this Accord should be scrapped are well known. They've been often stated. Almost everything in it is a bad way of stating something, a bad goal, badly placed: the ambiguity of the words "distinct society"; the differences between some obligations to preserve and promote and others merely to preserve; the differences between the Legislature's obligations to do some things and an executive Government's obligations to do other things; the long list of provisions governed by unanimity; the threat to the Northwest Territories ever becoming provinces; the threats to aboriginals; the threat to women; the threat to minority languages, the English in Quebec, the French elsewhere; Government by First Minister; the undermining of national programs.

These amount to a disastrous national future even before you begin to total them. Any two or three of them would warrant the scuppering of Meech Lake, would justify its utter abolition. But there aren't just two or three of them. There are six or seven or eight, and the whole future of our country is endangered by this.

Now what I would like to focus on in the hope of saying something original, but maybe that's foolish, would be the question of rigidity. I see Meech Lake in too many respects as being rigid.

What I would like to start with to prank this case is, first, that Canada has at least four fundamental givens. There are four things that are just primordial about the nature of our country. One is its bicultural origins. Canada has been a bilingual country ever since English was added to the French that Canadians had already spoken for several hundred years. This bicultural origin is protected by being concentrated in Quebec and provides an interesting juxtaposition of a cultural reality and a political jurisdiction. That is a very important primordial reality and I don't think western Canadians recognize it is an irremovable given. It's just a fact of Canada.

Secondly, there's considerable asymmetry of our provincial size, wealth and power. We are not a governable country easily, because two provinces have overwhelming resources and clout, and the other eight provinces are hard put to get in on the action, but that too is a given of Canada. It is interesting that while there are fewer western Canadians in Canada than there are French Canadians, western Canadians want to deny the use of French on the grounds of majority rule, but they don't want to be governed by Ontario and Quebec when all they are doing is exercising majority rule. Western Canada is a minority. It has to learn to live with that. We'd like to take up some steps to protect it.

Maybe the Senate should be slightly redistributed, but to think that Canada could function with an equal Triple E Senate is to dream dreams and probably nightmares, because we are not like the United States with 50 jurisdictions of all sizes and shapes, and several in each size and shape. We are two giants and then a few pygmies and maybe some others with aspirations to be one or the other.

Thirdly, we have a continuous economic, political and cultural threat from one large neighbour, and this poses problems for Canada which it used to be the Conservative Party's feeling to protect us from, but in the last two elections the Conservatives have become Liberals and Canadians do not know where to look anymore to protect us against what used to be the Liberal program—selling Canada out to our southern neighbors.

Fourthly, the national cohesion of Canada is utterly dependent upon political will, especially by the federal Government. Meech Lake emasculates the capacity of the federal Government to exercise political will. But our country is an artificial creation. It is a creation of a vision of John A. Macdonald and his successors in all Parties. It cannot be continued with the abandonment of a national will and a national vision that Meech Lake represents, especially when reinforced by a free trade deal.

So my second point is that a flexible constitution is essential. The four basic givens of Canada interact dynamically and organically. They cannot function and adapt within artificial constrictions and, if frustrated, they will circumvent, defy or undermine constitution constrictions. In the meantime, their clash could still make the country. So we have to have a flexible Constitution, which we had up till 1982 and which is still workable in the 1982 version. But Meech Lake would create an inflexible Constitution and the country will blow up as a result.

The Accord creates then, my third point, debilitating rigidity. This is partly because the unanimity formula now moves from 4 to 11 points, clauses, institutions and, secondly, because of the rights to compensation when opting out of shared-cost programs. Those are explicit rigidities that no country in the world in its right mind should have and which no country in the world to my knowledge has ever had, even when one recalls the Liberin (phonetic) veto which helped to destroy Poland in the 18th Century.

I found one other Legislature, Aragon in the 14th Century required unanimity, but that was merely a Legislature. It was not all of the Legislatures of the country in some combination. No other country in the world would do something—this is politically insane in the first order. But beyond the explicit rigidities of Meech Lake, there is the fact that there are unescapable rigidities because, once they have Meech Lake, Quebec and Ontario will make no further moves on Senate reform quite apart from its unanimity formula, aboriginal rights, or the creation of new provinces. Meech Lake freezes Canada in its current structure and will freeze out the North, the aboriginals, a reformed Senate.

Now my fourth point is that Canada has been built and defended by flexible, ambiguous perhaps, uncertain

perhaps, but certainly flexible procedures for constitutional amendment. We all laughed at it. We were sometimes ashamed of it because it meant that the real procedure was in Westminster and Canadians had to fish about and get something that Westminster would accept. But that was part of the genius of Canada, part of the reason why we survived, part of the reason why with our four givens, our primordial facts, we did so well.

Perhaps Prime Minister Trudeau endangered that when he patriated the Constitution, but I favoured the patriation and on the whole it was a good thing, and on the whole it was a good Act because it was negotiated in the open and it was the fruit of 20 years of thinking, not Senator Lowell Murray's travels across Canada followed in a couple of months by an all-night meeting.

Secondly, Canada was built and defended by a flexible Constitution because the federal/provincial relations were very dynamic. They were loosely defined. In some times, like depressions or war, the federal Government could become more significant, more powerful, more active. In other times, the provincial rights which we embrace so fondly in Canada had the freedom to exercise. Meech Lake freezes federal-provincial relations in a very critical way which is the opting-out provisions for the shared-cost programs. In other words, that does not need to be frozen. It doesn't matter whether it's the current practice or whether it is an attempt to save us from the Trudeauian practice, the point is it should not be frozen at all. We have had 115 years of flexibility of federal-provincial negotiations in Canada. Now all of a sudden we want to take a snapshot, freeze it and prevent a growing future—a dynamic, organic Canadian statehood.

• (1700)

Now the Constitution Act of 1982 began endangering our future through the unanimity for four items, through ceding federal power over the creation of new provinces, and the notwithstanding clause. Let's undo those aspects of 1982, not aggravate them. The Senate hearings made this all—I am sorry. I have read the Senate report which Senator Molgat sent to me very kindly, and it helped me to see the flaws in '82 thing, which I hadn't noticed so much before. The senators made a big to-do about, well, let's maybe go backwards; let's not blame Meech Lake for its faults; let's realize that some of the faults are earlier. But rather than undoing the faults of '82, we seem determined to go ahead.

Now finally, I'd like to say that Canada may have unique characteristics, but it is not exempt from known historical processes. Three of these are the following:

Language and ethnic minorities survive. If the Basques in the northwestern corner of Spain can survive the Romans, the Christians, the Moslems, the crusading Spaniards, the Fascists of Franco, and now a socialist monarchy, the French Canadians are going to survive not only in Quebec but in New Brunswick, in Manitoba, in Alberta and Nova Scotia. Language and ethnic minorities survive. It can be almost stated as an

historical law, and yet large numbers of Canadians are trying to deny them the right to speak their own language, Canadian, English or French. They are both Canadian languages when they want to speak with their Government.

Secondly, powerful regional jurisdictions will have their way. To try to limit them through a Triple E Senate is merely to create a reality of powerful central Canada, working with a paper Constitution attempting to restrict them, and this will create problems.

Thirdly, constitutional rigidities lead to governing incapacity and that in turn will provoke either revolution or civil war. I don't want to sound hysterical about this, but Meech Lake is a dangerous document because it leads us down the path of rigidities from which there is no escape. True statesmen are not always successful, but when 11 First Ministers can abandon statesmanship the way they did at Meech and Langevin, we are really in trouble. True statesmen are not always successful but they do define the struggle, they try to set the vision and they try to lead the country. We have seen in the last couple of years 11 First Ministers, not one of whom has shown statesmanship, and I congratulate the Premiers of New Brunswick and Manitoba and, hopefully, Newfoundland for showing the way in the future and saving us from this disaster. Thank you very much, ladies and gentlemen.

Mr. Chairman: Thanks very much, Professor Bailey.

We are going to take a very short break, about 5 minutes. Don't go away, we'll be back.

Mr. Roy Price (Private Citizen): My name is Roy Price and I am speaking in the capacity and introducing myself as—let me state firmly without question and without ambiguity, I am not a Winnipegger first, I am not a Manitoban first. I am a Canadian and I am proud of this distinction, and it especially separates me from the leaders of our country who continue to straddle the fence. When a supposed 50,000 Montrealers paraded and a member of that group previously found guilty of assassinating a Canadian leader desecrated and destroyed the Canadian flag, as in case anybody hasn't the memory to remind them from Maclean's magazine, the April 4 issue, I didn't notice that the Prime Minister had anything important to say like, *je suis un Quebecois*. I did not hear him say, I am a Canadian. I also sadly note that I did not note many of the Members of the Quebec front saying, *nous sommes Quebecois*. I did not hear anybody stand up and say, we are Canadian. I find this sadly disturbing because this is the issue that is involved right now, the hypothetical Canadian or the Canadian pure.

I am against any type of accomplice to the forces of separation, and when the Prime Minister of this country says nothing, that indicates to me that he gives tacit approval to the continuing elements of balkanization, which I find offensive.

However, let me take this occasion to thank you for the opportunity to appear before this commission today. It is a striking affirmation that democracy can work if it is given a chance and if the people are invited to

participate, and laws and actions committed behind closed doors, behind secret doors, are not allowed to stand, which was the case with Meech Lake. In a democracy, the people must get involved and show that they are involved and shape the future, rather than to let people behind closed doors shape their future. It is constantly shaped, currently by the forces that are completely behind closed doors, and I find this offensive.

I am also saddened and repulsed that these proceedings should be taking place at all, inasmuch as they have become necessary because of the neglect and indifference to the people's concerns that were expressed over the years, not just today, not just yesterday, but over many number of years by the people elected to respond to the people's issues and wills and they were not responded to. I find this disturbing.

First, I would like to take issue with those doomsayers who suggest that in the order of maintaining unity, it is compulsory that the Meech Lake Accord be passed. The Meech Lake in a court, in essence, suggests special status "for Quebec." No matter how you slice the salami, you cannot have special status for some section of the country or one people without condemning and lowering the esteem of the other. As one earlier respected politician suggested, if Quebec is special, then what are we, chopped liver? It needs no answer, for you cannot convey special status on a single member of your individual family or my family or our family or our provinces or our people without the remaining members of the family feeling betrayed and rejected. I am sure you have heard these presentiments all this afternoon and on previous days, as I have watched them continuously, and the spirit of this rejection and humiliation is very deep.

The concern of some of the peoples of Quebec that they require that distinction because their language is being threatened and that they are being assimilated is utter nonsense and a red herring that would ultimately lead to more "special considerations in the future," that would continue to lead to special considerations, and would lead to the goal that the Parti Quebecois has always affirmed, of separatism and independence.

The French language needs no more support than the German language. It will be as strong as the people who have the will to keep it strong. The language of Moliere, Voltaire and indeed, Gilleneau, *la langue de Moliere, Voltaire et aussi Gilleneau, ce n'est-pas mort*. It is not dead and will not die but it could die, not from a contest with the English language but it could die in a contest with its own fear.

• (1710)

As to the constant expressions to the injustices that the French-speaking people have had conferred upon them by Les Anglais, again this is past history and should not be constantly revived to make Brownie points of little significance. The French Canadians have not been the only ones to have any particular bit of suffering at one time in history. Many Irish, for example, Prime Minister Mulroney's own clan were evicted from the State of Ireland at one time because of a potato famine. I understand the Jews have had some problems with

the Holocaust, as everybody recalled. The Ukrainians had three million obliterated, and the Indians and Natives were not peaceably done by in this country. So to suggest the French people have been hard done by is very disturbing to me because there are numerous other people who have been, and there is no reason to suggest they have a monopoly on injustice or unfairness in this country.

The past is dead and mature Canadians have learned from history, and you know and I know that former injustices are unlikely to be fueled again with the checks and balances we have in our society and with open forums, not behind closed doors.

With regard to the many implications of "direct consequences" which Newfoundland has been subjugated to, as well as the Société Manitobain, as well as other people, as well as economic reprisals, I resent this economic coercion and political blackmail, and politicians perpetrating this concept should be charged in the same court surely as I would if I were to attempt this blackmail. This extraordinary inflammatory statement that these types are making are the very antithesis of what Canada's about, and your voices and my voices and all voices should rise in unison across the country to destroy its ugly head.

I've also heard various arguments that the passing of Meech Lake is imperative and that it will cure Canada's problems. I've heard that it will cure acne. I've heard that it will get rid of cellulite, and everybody will be rich. This is unadulterated nonsense again. The passage of this Accord will only create a crisis that will engulf this country in more division, more hostility. It is even now harbouring thoughts and ideas that you've heard earlier this evening in my predecessors of possible civil disobedience and even possible civil war, and the replay of the Plains of Abraham, outright expressions of frustration and sentiments that I heard from a Liberal executive yesterday saying, well, let them go.

With all my heart, I believe that failure to reject this Accord in all its manifestations would lead to the continuing division of this country and its ultimate destruction. There is not rain enough in heaven to wash the stupidity of this Accord. There is not money enough in the Canadian mint to buy the time necessary to save this country from folly, and there is not enough patience by Canadians to accept the arrogance of imposing something against the people's will that was conducted totally behind closed doors.

I'm sure the panel out here and the people are familiar with people who have done things without the presence and entertaining considerations of the people's will. King George III learned very hardly. Marie Antoinette learned as well, and I believe even Ferdinand Marcos learned. The people's will must be constituted and consulted all the time.

In conclusion, I beg this board within the framework of its power to recommend absolutely the rejection of this Accord, unequivocally. The Accord is without an iota of merit. It is without a scintilla of common sense, and it is an affront to Canadians, including French Canadians.

Now, within the small parameters of my limited legal ability, I suggest and propose in substitution the addition

to our Constitution of the following: Canada, my country, your country, our country, Quebec's country, is one country. It is indivisible, it is indistinguishable and with no special status to any group or any individual today, tomorrow and forever. Thank you.

Mr. Chairman: Thank you, Mr. Price.

Mr. Goural. Mr. McSteeofain. While we're waiting, I would like to acknowledge the presence of Mr. Darren Praznik who has joined us. Mr. Praznik is legislative assistant to the Premier and the Member for the Legislature for Lac du Bonnet.

Would you give me the correct pronunciation of your name, sir? I tried, but I doubt that I succeeded.

Mr. Hamish McSteeofain (Private Citizen): McSteeofain.

Mr. Chairman: Thank you. Please proceed.

Mr. McSteeofain: Honourable legislators, I would like to take this opportunity to sincerely thank you for allowing me to present this paper before you today. Because of unforeseen job commitments, I was not able to get my submission typed and copies made. I must apologize to you and will take steps to rectify this next week. I must deliver my submission to you in an abridged form due to time restraints.

The title of my submission is, "A Story called Meech Lake," or, "How to get Done in Twelve Easy Steps without Even Knowing It." In the complex interactions of human beings, nothing is ever as it appears to be. The translation of this statement is, what a man says he wants is always a smokescreen, either conscious or subconsciously, to hide his true intentions. We can then deduce that if the need is expedient and expediency can always be rationalized, everything always turns out as expected. The translation of this statement is, if one looks towards man's most basic instincts as to his true intentions, one will never likely miss the mark.

We can, therefore, conclude as to what it is that drives man, in a word, gain. If one anticipates to looking at money and power as the central theme of man's universe, doubtless one will never be disappointed. This is not a moral conclusion but merely a statement of fact. Obviously, this information is nothing new. It is an old, old story told since men first began walking on two legs.

Let us probe, however, as to how it relates to the so-called constitutional crisis that currently faces our nation. Governments and political Parties frequently and successfully turn to the use of moral propaganda as a diversion so as to mask their true desires. This is so because the lesson seems to be forever lost on men. However many times men take politicians and political philosophers at face value and are disappointed, men still seem to be perpetually willing to take that leap of faith, and accept politically fed morality over the hard experience of reality. Why this is so is perhaps because hope springs eternal in the human breast.

* (1720)

Central Canada—that is, the Canadian provinces of Ontario and Quebec—do not view the smaller provinces of Canada as enemies, that is, all of the other provinces of Canada other than central Canada, nor does central Canada view the smaller provinces as friends. Like all powerful political entities, central Canada has neither enemies nor friends. It only has interests. It has acted for over 120 years and will continue to act in the future in any way that it sees expedient to furthering its own interests. Since the founding of our nation, central Canada has been the power broker. As the nation grew, it quite naturally maintained its pivotal role in society.

In recent history, however, the people residing in the smaller provinces have begun to chafe under what they saw as the central Canadian yoke. Here we come to the fundamental point. Unfortunately for the people of the smaller provinces, they came to see their treatment at the hands of central Canada as a moral issue. In their eyes, so they believed, central Canada was a nasty, immoral brute, feeding off the backs of the smaller provinces. Central Canada drove around in a limousine while they, the smaller provinces, gathered crumbs in the street. What the smaller provinces were not aware of, in fact have never been aware of, is there is method in the madness. I suppose that it is only human for one to hate what one perceives as one's oppressor. What we, the smaller provinces, have never come to understand, however, is that the oppressor planned it that way, that the comparative morality is only a side issue, a divisive issue, an issue to blind us as to the stakes.

Now central Canada and our federal Government, which is of course controlled by central Canada, have long ago taken all the necessary steps to guarantee their political and economic, i.e., money and power, hegemony over Canada's smaller provinces. Long, long ago the back-room boys got together to cut a deal. They thought long and hard before they came up with the perfect answer to serve their interests. They thought of a plan that they knew would prey upon the mortal inclinations of the people of the smaller provinces, a plan that when applied would be sure to silence even their most ardent critics. It was a plan they knew would completely serve their interests, and at the same time make these smaller provinces feel quite guilty about serving their own interests. They thought of a faultless plan. They called the plan, "national unity." Whenever central Canada feels that its interests are not being served, they simply crack the whip at Ottawa, which in turn draws the gun of national unity to defend the interests of central Canada.

The plan will continue to work for them as long as the people in the smaller provinces continue to believe that things are really as they appear to be and take the combined platitudes of both central Canada and our federal Government at face value. The plan will be perpetually effected for as long as central Canada is successfully able to divert the attention of the people of the smaller provinces from what central Canada knows to be the only real prize, rational self-interest in the pursuit of money and power.

One might ask, what is all the fuss about, the interests of central Canada are secure in their beds, are they

not? Central Canada has always controlled Canada's old-line Parties, Grits and Tories. The old-line Parties have always obligingly done as they were bid. They could hardly do otherwise and hope to form a Government, hope to gain power. Central Canada has always controlled Ottawa. They have always held the necessary number of seats in Parliament to ensure that their interests were secure.

It is unfortunate for the smaller provinces that the Fathers of Confederation did not have the foresight, some might say the integrity, to include in their constitutional master plan a bicameral Parliament similar to, at that time, the nearly 100-year-old American model, a lower Chamber elected on the principle of representation by population which has the exclusive power to initiate money Bills, and an upper Chamber elected, having exactly the same number of senators for each and every province, regardless of population. This seems like a common-sense approach to enable the smaller provinces to more equitably share power but this common sense is not necessarily in the interests of central Canada. The moment the deed was done and the document signed, it was already too late. Why would central Canada ever agree to a Triple E Senate or, for that matter, any significant constitutional redress now when none of the smaller provinces ever had the political smarts, some might say the political will, to originally secure their own interests by demanding such a Senate as their price for entering Confederation.

If central Canada has been able to achieve its ends without sharing power in the beginning, then common sense dictates that central Canada would quite naturally come to see that doing otherwise now would simply not be in its interests. How would it gain them? I repeat, central Canada quite correctly sees none of these political machinations as a moral issue. Central Canada sees its actions as prudently and carefully protecting its own self-interests. Unfortunately, the same cannot be said for the people of the smaller provinces. They are hopelessly mired in self-righteous morality.

I surmise that the attitude taken by central Canada towards the smaller provinces, which I personally advise if possible must be returned in kind by the smaller provinces, can well and truly be summed up as thus. We will look after our interests and thee must be responsible to look after thy own interests. However, if we can see to furthering our interest at thee's expense by trying to use psychological, moral or patriotic scene-shifting on thee, we consider that fair ball because thee has had the same opportunity to do likewise to us.

What central Canada expediently fails to mention, of course, because it would simply not be in their interest to do otherwise is that they started the game with 10 times the power and resources of the smaller provinces. But, hey, who ever said life was fair?

But back to my original premise, what is all the fuss about? Ah, but it seems that there is actually something new under the sun. Quite by chance, central Canada's universe has shifted slightly off course. The Canadian Constitution has been repatriated from Great Britain and central Canada is in dismay. They find the document is not in keeping with their interests. One can well imagine the shock that central Canada felt when, despite

all of their ever-so-prudent management of their interests, the universe was no longer unfolding.

The paper now said that it only required a quorum of seven to amend the document. Alas and alack, the interests of central Canada are undone, there are eight smaller provinces. The balance of power has shifted much too far for the liking of central Canada and, even though it still requires at least 50 percent of the Canadian population in those seven provinces, this rule is not static. Who could guarantee that, at some future date, the eight smaller provinces would not grow in population past the point of 50 percent. Besides, if the smaller provinces ever became politically aware of their interests which, if history gives us any guidance, seems unlikely, the smaller provinces could use the self-same tool on central Canada that central Canada has so often successfully used on them—Divide and Conquer. Speaking figuratively, thieves always tend to be the least trusting of people. No, something would have to be done, and done quickly. This matter required the most urgent attention.

So, once again, the back-room boys got together to cut another deal. As always, the central theme, the central platitude of the ruse would be to get the smaller provinces to collectively suck in their gut, push out their chest, place their hands over their heart, salute the flag and keep their mouths shut. The central theme, as always, would be national unity. But what if the smaller provinces ask for concessions to agree to the new plan? Again, if history is any reference, this seems quite unlikely. One must bear in mind, of course, that all of this is really old hat to central Canada in its relations with the smaller provinces. Central Canada is well skilled at its craft. One could hardly expect otherwise after 122 years of practice. It is like the story of the bagpipes, actually invented by the Irish, and the Scots still haven't got the joke.

If the smaller provinces ask for concessions, central Canada would use its self-same tried and true methodology—stall their needs, get them excited, make them anxious, create an air of urgency, an air of crisis, a need for national unity, make them conscious of a brave new world after that would suddenly arise after they had put pen to paper. Promise them heaven on earth after the deed is done. As all shrewd political scientists have come to know, appealing to the passionate side of man's nature is always more effective than petitioning his rational side.

Central Canada and Ottawa now have only to think of a name for this creature that they had created to bring the Canadian balance of power back into its rightful path, a name for the intelligent and thoughtful protection of the interests of central Canada, a name for status quo. They would call it "The Meech Lake Constitutional Accord." Nothing is ever as it appears to be, but if the need is expedient, and expediency can always be rationalized, everything always turns out as expected.

The old-line parties were virtually falling over themselves in praise of Meech Lake. This is not only as it should be, it is as it must be. If the Mulroney Tories supported the Meech Lake, that is supported the interests of central Canada, and the Turner Grits

opposed it, the Grits would seem as unfriendly toward the interests of central Canada. Canadian politicians have an expression for that sort of behaviour. They call it "political suicide."

* (1730)

And now we have a new boy on the block. The NDP tells us that their day in the sun has arrived. They have convinced themselves that they will no longer wear the short pants of schoolboys, but will finally take their rightful place as headmasters, and this perhaps is "the unkindest cut of all"—Julius Caesar—but in the affairs of men, only as to be expected. The New Democratic Party of Canada, the Party of principle, the Party of the ordinary Canadian, the champion of the underdog, the Party with its roots in western Canada, the Party of morality as opposed to hard, cruel reality, has sold its principles to the highest bidder as fast as one could say, money and power, for 30 pieces of silver, yet their story has been told.

They have committed the sin of pride and have courted fall as a result, but their time shall one day come. They have learned the game and now need only hone their skills. They now know that morality is only the rhetoric to mask one's true intentions. They have done their political growing up and have become aware that in reality one may not even seem to appear hostile to the interests of central Canada, not if one ever dreams of one day clutching the reins of power. The NDP now knows that political morality and 75 cents may buy them a cup of coffee on the road to political gain. These points are neither good nor evil, moral nor immoral, but simply the way things are.

Now, we come to the issue at hand. What choice should Manitoba make? Is it that the people or the politicians—Manitoba with Canada's only minority Government being the final beachhead before the nation is stamped by the Meech Lake Constitutional Accord, before the nation is swamped back into the reality of the interests of central Canada.

The choice that Manitoba must make is a simple one and yet a complex one. Simply put, Manitoba should make the choice that is in Manitoba's best interests. But if Manitoba had done that from the beginning, the makeup of this nation would be far, far different than its present composition. To my way of thinking, the choice is clear and simple but, alas, in the affairs of men, things are rarely clear and never simple. If Manitoba is going to accept the document at face value, believe that it is essentially a paper of national unity, of political morality, then we must also accept that Winston Churchill was fundamentally correct when he said: "In the overall affairs of men, I have come to one unshakeable conclusion, that mankind is unteachable."

On the other hand, despite rumours to the contrary, provincial politicians are not imbeciles. I feel confident in assuming that if my overall view is somewhat jaundiced, theirs is probably even more so. So, if our provincial politicians are aware of the game, why do they play it so badly on behalf of their constituents? Ah, but there's the rub. Wheels within wheels and fires

within fires, "methinks there's something rotten in the State of Denmark," Hamlet.

Provincial politicians are almost always Members of old-line Parties or their new incarnation, the NDP. They are people with divided loyalties and, in the world of Party politics, if you are not with the Party, then the Party may decide to do without you—Winston Churchill being the greatest exemplar in parliamentary Party politics in modern times. In the real world of Party politics, political morality, what politicians like to call principles, must of course take a back seat to political reality. That is one's desire for money and power. Then of course there is always the issue of protecting the interests of one's corporate or union backers to consider.

So why not Mrs. Carstairs? Now, that is a puzzler, ain't it? A provincial politician with a mind of her own? My instincts tell me to be careful. Is this person really as she appears to be? Where is the money and power behind the smoke and mirrors? Perhaps her political ambitions are of a lower grade. Perhaps all that she desires is to be the Premier of Manitoba, and her political instincts tell her that voting "no" on this issue will more likely fulfill that ambition, oversatiating the wishes of John Turner and the federal Liberal Party. Who can say?

As is only fitting and proper, central Canada in the embodiment of our federal Government continues to use their same unflinching time-honoured tactics. Stall them, make them sweat, create a state of urgency, cry real tears and repeat, repeat, repeat the words "national unity" between the sobs. Hand them a little bit of taffy and promise them the moon after they sign the paper. My mind is all aquiver. Am I seeing things? Has day become night and night day? "Oh justice, thou art fled to brutish beasts and men have lost their reason," Julius Caesar.

Are grown-up adult human beings going to be sucked in once again? Gets them every time. Surely, none of my fellow Manitobans seriously believes that Canada's smaller provinces are going to be rewarded with a Triple E Senate or, for that matter, any significant constitutional redress after the paper is signed—as a joke maybe, but not seriously. If they seriously do, then mankind truly is unteachable. Would any rational person over the age of 21 ever enter into a written contract where their obligations are clearly spelled out in black and white, but the other party's obligations consist of a smile and a handshake and a promise of good will for the future? Try it with your banker next time you apply for a loan.

When I was in the sales game, I worked with a very special individual who I now believe works for Joe Clark. This man—we'll call him Ralphie—opened my eyes up to a whole new world of human psychology that I never before knew existed. As one can well imagine, I was profoundly shocked when I saw Ralphie regularly get the order by saying things that appeared to me at least to be exactly the opposite of what one might consider reasonable and appropriate dialogue. Ralphie's theory went along something like this. When you exaggerate to a reasonable degree, most people have the insight to sometimes see through you. So in special

circumstances when the stakes are large and winning is very important, your exaggeration must be so big, so outlandish, so outrageous that the customer bites because he does not really understand what you are saying and he does not wish to appear foolish. A rather tame example would be, Ralphie would call up a customer, and if the customer said that he really didn't need any stuff right now, Ralphie would reply, "I know—that's why I called. If you had really needed the stuff, I certainly wouldn't have called you," and Ralphie would take it from there. Ralphie was a real wizard at it all right.

Unfortunately, I was not ever able to master the technique, but Joe Clark has and so have some of the other boys in the Party. Garth Dawley, an unsuccessful PC candidate in my riding during the last general election, used the technique on me. With the scheme that the Mulroney administration is now using to sell Meech Lake, I could swear that it is Ralphie up there pulling the strings.

Rather than defend Meech Lake on its merits, because it has none for the smaller provinces, Joe and the other boys are taking exactly the opposite tack, the outrageous tack. This time the back-room boys have got together to cut a deal with Ralphie. When Joe was challenged about Senate reform he replied, "That was our only reason for bringing in Meech Lake. That's why we did it, to reform the Senate. That's our only real concern. We want to get Meech through so we can get on to the really important business of constitutional redress for the smaller provinces, so we can get on with the next round." But Joe, the people of the smaller provinces don't want Meech Lake. "I know," says Joe, "that's why I did it. If they had wanted it, I'd certainly wouldn't have brought it up." I could swear it was Ralphie up there with a Joe Clark mask on.

The term "political adversary" is not a moral issue. It is a statement of political reality. Up to the present day, it appears that mankind has not been able to live happily without the need for political boundaries. Within these political zones, also known as provinces or countries, men guard their jurisdictions jealously. Everyone who is not inside the zone is therefore outside and, we must assume, more concerned about the interests of their zone than ours and is therefore, by definition, a political adversary. In a politics of nations, one can have acquaintances, one can have chums, one may even have allies and confederates. But it is difficult to imagine, at least for the foreseeable future, one having real bosom friends. The stakes are just too high and the inherent risks too great to chance the interests of the people of an entire province or nation to the whims of friendship.

In days of yore in Britain, the personal friends or "favourites" of the King as they were called, either foreign or domestic, were so hated by many of the people that ultimately they actually had a very great impact on the evolution of British constitutional Government. One can and should try, of course, to be cordial.

Mr. Chairman: Thank you, sir. Are there any questions? If you want to send us that in either its present form or longer, whatever, please feel free.

Mr. McSteeofain: Thank you very much.

Mr. Chairman: Mr. Mohinder Singh Dhillon, representing The India Association of Winnipeg.

Mr. Mohinder Singh Dhillon (India Association of Winnipeg): Thank you, Mr. Chairman, and honourable Members of the Meech Lake Manitoba Task Force. I respectfully submit this brief on behalf of the India Association of Winnipeg.

Much has been said and submitted to you by various groups and individuals in the province on this issue. The majority of submissions have pointed out the many reasons why the Meech Lake Accord should not become the law of the land by way of constitutional amendments.

We strongly endorse the already expressed opposition to the scheme under consideration. It is not the intent of this brief to reiterate the position already advanced except to say a few words and go on record as another minority group not in favour of the proposed constitutional amendments.

In making this submission, we are not in any way questioning the pursuit by the French-speaking people of Quebec of their legitimate and reasonable needs to maintain and enhance their cultural, linguistic and economic aspirations. We believe all minorities, if indeed French-speaking people can be called such, have the right, perhaps even the duty to take all legitimate and fair action to preserve and enhance their respective linguistic, cultural and religious heritage. Our objection is to the way in which Quebec is allowed to achieve this objective.

* (1740)

Our primary concern is with the expression of distinct society. We all know that factually Quebec is indeed a distinct society. The question we have is whether we have to resort to untried and untested formulas and accord to Quebec a permanent and unchangeable legal guarantee that will, in all likelihood, change the structure and character of what we believe to be an already fragmented society.

The grave risk of deploying the undefined expression of "distinct society" in the Constitution must be recognized. Under our Constitution, the courts exercise tremendous powers and bear awesome responsibility of interpreting the Constitution. This judicial authority, in effect, amounts to the making of laws affecting the daily lives of Canadians by the appointed judges. The interpretation of "distinct society" accordingly will be a matter for the ultimate decision of the Supreme Court of Canada. Therefore, what is being proposed is, "let us go along with the expression 'distinct society' and we will take our chances and live with whatever the court says it means." This cannot and should not be permitted to happen.

The proposals contained in the Meech Lake agreement, in our view, go to the very root of the nation's well-being. The dilution of federal powers and the simultaneous enhancement of provincial authority will inevitably result in a weak national structure. A politically weak nation is destined to become less

influential internationally. Canada, at present, is held in high esteem throughout the world. Let us not take actions which will jeopardize this solid international status.

We feel Canadians are already overgoverned. For the size of its population, the three levels of Governments we have placed an undue financial burden on the national economy. Additionally, this political structure encourages sentiments of separation and parochialism. Our feelings on this issue are that there should be a serious effort by all concerned to have a more centralized Government than what we have now. On this premise alone, we cannot support the Meech Lake Accord proposals for the reason that their implementation will emasculate the already weak central Government system.

We appreciate the urgent political and national need to bring Quebec within the Constitution. We very much support the concept and feel quite strongly that Quebec should be a member of the Canadian association of provinces without any further delay. Accordingly, we urge the Task Force to convey to the federal Government that fresh negotiations begin as soon as reasonably possible, and that terms and conditions mutually beneficial and in the national interest be negotiated and form part of the Constitution. Let us make every effort to forge a strong, united Canada, to which every Canadian is proud to belong.

As stated earlier, it is not my intention to repeat here what has already been submitted by other entities. We support all submissions in opposition to the Meech Lake Accord. Thank you very much for your time and patience.

Mr. Chairman: Thank you for your presentation, Mr. Dhillon. Any questions? Thank you.

Mr. Dhillon: Thank you very much.

Mr. Chairman: Mr. Fred Cameron, representing the Western Independence Party of Manitoba. Mr. Brazzell, not representing the Western Independence Party, I suspect.

Mr. Gary T. Brazzell, Q.C. (Private Citizen): Mr. Chairman, thanks very much. I am not complaining. I was asked to be here at 2 p.m. and I have a rather pressing appointment that was at 5:30 p.m. I ask the indulgence of the Task Force through you, Mr. Chairman, to perhaps carry me over either at 7 p.m. or tomorrow morning. I don't wish to be a burden but it would be a convenience to me.

Mr. Chairman: Just wait one moment, sir, if you will. As you wish, sir, the problem is that we have to ask people to come and wait, unfortunately, because we don't know whether the presentation will be one minute or 21 minutes—

Mr. Brazzell: I totally understand.

Mr. Chairman: —as you understand. We can, I think, try to accommodate you. Which would be your preference, this evening or tomorrow?

Mr. Brazzell: I could come this evening at 7 p.m. or tomorrow at 9 a.m., whenever you start. I would prefer in the morning. My presentation is a verbal presentation, and I suggest it would be about 10 minutes.

Mr. Chairman: I'm just thinking, if you start it now, we'd be done at almost 25 to. That's not good?

Mr. Brazzell: I have pressed my appointment quite a lot already.

Mr. Chairman: My watch has gone off again. I'll look at the clock. Oh, I see. Yes, sir, by all means. We start at 10 a.m. tomorrow morning.

Mr. Brazzell: I'll be here at 10 a.m. Thank you very much, Sir.

Mr. Chairman: You're welcome.

Mrs. MacKenzie.

Mrs. B. MacKenzie (Private Citizen): Mr. Chairman and Members of this committee, I would like to preface my remarks by stating that I am a Francophone. I speak the language and my parents immigrated from France. I was not going to make this personal comment until the very last, the very end, but I thought I would. I also would like to make this statement that my brief sounds a little angry with the politicians. It is not intended that way, nor do I intend to downgrade anyone in this brief. However, I would like to speak as a private citizen of Manitoba against the implementation and/or passage of the Meech Lake Accord for many reasons, of which the following are only a few.

First, the Meech Lake Accord is a misnomer, as Citation 17 of this document states: "This amendment may be cited as the Constitution Amendment of 1987," so in fact this innocuous title is misleading and this amendment is not complementary to the constitutional amendment of 1982, which a lot of people thought it should be, which severed ties with Great Britain. This 1987 amendment attacks the very foundations of Canada's domestic affairs.

The lack of knowledge and general apathy about Meech Lake Accord of the Canadian public was driven home to me as I watched a random interview on television one evening last fall. I was surprised and appalled that not one person interviewed knew that the Meech Lake Accord would alter our Canadian Constitution and, if passed, it would be irrevocable. Really, the only clause that these people seemed aware of was that, if passed, this Accord would give Quebec the status of a distinct society.

Even after all these months, the general public is not much better informed, as a recent survey showed that 69 percent of the Canadian people still do not know what the Accord is about and many do not even care. There is a general apathy, unfortunately.

The irony of this entire matter is that in a truly democratic society all constitutional change is open and deliberate, and in the final issue the supreme power rests with the people of the nation. Most certainly, this

requirement was not adhered to with the 1987 constitutional amendment.

The question is, do we have a democracy?

Even the provincial Premiers were kept in the dark about the contents of the Meech Lake Accord until they sat around the conference table. As well as not being briefed beforehand, the provincial Premiers were kept cloistered in a room for nineteen-and-one-half hours during which time they were told that they must sign this document for the unity of Canada, to bring Quebec back into the family, and that this document was the latest step in nation building.

It would appear that these provincial Premiers emerged from this marathon session exhausted, brainwashed and hoodwinked. Otherwise, how could 10 Premiers whose provincial needs and views are so diverse come to a unanimous agreement over a weekend? It would appear to me this rapid, unanimous agreement must be a first in the annals of Canadian political history as well as that of any other democratic society.

* (1750)

Quebec's Premier, Robert Bourassa, got more at this conference than even he anticipated. He and Brian Mulroney had agreed on the demands that Quebec would make, and unfortunately the other provincial Premiers agreed without even a whimper.

However, one must be realistic and consider just where Mr. Bourassa's priorities are. We must realize that his first considerations are with his Francophone people within Quebec, and that this man does not consider what is right for all Canadians but blatantly puts the desires of the Quebecois people as his top priority. He proved this by using the notwithstanding clause in defiance of the Supreme Court decision.

Another rhetorical question is—and I notice that I left out a word in my brief, I am sorry—has any other provincial Premier ever, ever placed the desires and good will of his people as his top priority? Not so far, and one wonders if our Manitoba Premier will take our views into consideration when it comes to his final decision.

One must remember that Mr. Bourassa is dealing with a much more united entity than any other provincial Premier, because the Quebecois people are united by a common language and a common religion with its Jean Baptiste Society and other societies, whereas we and other provinces lack the homogeneity that exists in Quebec due, no doubt, to the diversity created by our multicultural populations who have been encouraged to retain their ethnic cultures to balkanize the rest of this country and water down the Anglophone resistance.

Also, Mr. Bourassa has said time and again, sign Meech Lake and then we will consider your demands like Triple E Senate and your other concerns. In my opinion, Mr. Bourassa must think that we Canadians are very gullible. For his information, any businessman who would sign a contract and then try to negotiate a better agreement after should have his head examined.

The Meech Lake Accord states that our Canadian Constitution is one of the oldest in the world. This, of course, is not true. Have the powers to be forgotten the repatriated Constitution of 1982? Moreover, Iceland's Constitution is at least 400 years old and has had very few amendments. Britain's Constitution predates ours and its laws are changed only when they become obsolete and have no further use to the contemporary society. As well, the United States Constitution is over 200 years old, was drawn up for an agrarian society of about 13 million population, has been amended approximately 14 times and still adequately serves the needs of a population of 250 million mostly urban-dwelling Americans.

Also, I have had this comment about Mr. Trudeau, and I hope no one will take exception to it. Mr. Pierre Trudeau's reasons for opposing the Meech Lake Accord when he insisted on appearing before the joint parliamentary committee sounded like the rantings of a spoiled child who objected to his repatriated Constitution being amended.

If Canadians care to look back, they will remember that this repatriated Constitution was signed by three Francophones and the Queen, and remember that she had no legislative power. Also, please recall, the greatest tragedy of all was that the Opposition did nothing. Joe Clark was Leader of the Official Opposition and he did not protest, nor did he alert the people. I wrote to Mr. Clark and he said, "Obviously, you believe in referenda, but I do not. You elect me for four years, and I run the country the way I see fit." It does not matter what his constituents want, according to the letter he replied to me.

To borrow the words of Churchill, when he described Clement Attlee, "a sheep in sheep's clothing." Small wonder that Trudeau went to the British House and said with impugnt, "If you do not like what is contained in this Constitution, just hold your noses and sign it, because it is what the Canadian people want." We were never asked.

It is inconceivable to me that our Members of Parliament, most of whom do not speak French, are so voraciously insisting on legislative bilingualism across this nation. It is almost as if they have a death wish, like the lemmings running to their own destruction. Our MLAs are equally as guilty and should take heed.

To return to Mr. Trudeau, whose chief thrust when he appeared before the Parliamentary committee, was that he objected to the term "distinct society" being given to Quebec because this would create two solitudes and "never the twain would speak." Mr. Trudeau said before this same committee:

"I had a Member of my own Party, a former Defence Minister, James Richardson from Winnipeg, who believed in that kind of Canada, one country, one language. Quebec—it will be a distinct society. It can speak French but let us run business in Ottawa and in Toronto, and let Quebec have its distinct society."

The result of this confrontation was that Mr. Trudeau fired Mr. Richardson. This was a tragedy for Canada

because Mr. Richardson knew what a divisive force legislated bilingualism would be in this nation. In all fairness to Mr. Richardson, he did try to alert the Canadian people, but either we were lulled into indifference by the false promises of our elected officials or we were sound asleep. In my opinion, the media was very much to blame as they would not print any coverage on Mr. Richardson, nor would they print anything controversial on the subject of bilingualism.

Again, to return to the Meech Lake Accord and Mr. Trudeau's criticism of it, Mr. Trudeau stated that it gives too much power to the provinces and, therefore, it would reduce the powers of the federal Government. Actually, the only reason Mr. Mulroney made it appear he was giving more power to the provinces was a pure ploy to make the provincial Premiers believe they would have more autonomy. By giving the right of veto to all provinces and the federal Government simply makes a farce of veto, because it conflicts with the unanimity clause.

Do not forget when Mr. Trudeau became Prime Minister of this country, he promised to decentralize Government so the input and power would be more evenly distributed. Remember also his so-called just society. In the opinion of many Canadians, Mr. Trudeau single-handedly destroyed democracy. During his terms of office, each year he initiated over 3,000 Orders-in-Council. He also exercised absolute control over his Cabinet and ruthlessly destroyed any Minister who disagreed with him. Orders-in-Council may expedite parliamentary business but they also deny the Members of Parliament their undeniable right to debate an issue on the floor of the House.

The Mulroney years have not improved our democratic system. In fact, we, the people of this nation, have less input into what happens politically than ever before. This nation in Confederation was established on the democratic system, but if the Meech Lake Accord is unanimously voted for, the power will be relegated to the provincial Premiers and the Prime Minister. One can only shudder at the thought of the possibility of the wheeling and dealing that would go on to obtain what these 11 men or women want for their provincial provinces at their annual meetings.

In an article by Frances Russell, she quoted Mrs. Carstairs as having said that she, Mrs. Carstairs, would distance herself from anyone who was anti-bilingual or anti-Quebec. Should one be pro-bilingual when this issue has divided the people of this nation? Should one be pro-Quebec when that province remains unilingual and the rest of Canada is required by law to be bilingual? The myth of the founding nations is just that, a myth.

As well, Mrs. Carstairs has stated many times that her reasons for wanting the Meech Lake Accord amended were that this document does not address the rights of women nor aboriginal rights. Her reasons are valid but Mr. Mulroney and Mr. Bourassa have both said they will not allow any amendments to this document.

There are many major flaws in this document, and Mrs. Carstairs and Mr. Doer must realize that its

interpretation will be made at the judicial level and not at the political level. Neither of these Leaders have consulted the most important resource, the people.

My main focus has been the covert and/or overt erosion of our democratic system at all levels of Government, and the fact our elected officials must vote on Party lines in utter disregard of the wishes of their constituents. It has been said time and time again that voters have short memories but I firmly believe that this time the voters will prove the pundits wrong.

Remember Canadians, that the original BNA Act took three years of open discussion, from 1864 to 1867, before it became the Constitution of the Dominion of Canada. The repatriated Constitution of 1982 took less than a year and there was very little deliberation with the people about its contents. The Meech Lake Accord had no open discussion and the Prime Minister said that the Premiers worked better if all was kept secret, and on that premise the only thing that can be done. Do not try to amend this flawed document. Just relegate it to the wastepaper basket.

I would just like to quote my very favourite politician, who was Winston Churchill. He said, "Democracy is the worst kind of Government except for all the others." Before the Second World War he spoke in Parliament and he said, "Control this hideous drift of events, arrest calamity on the threshold, stop it, stop it. Now is the appointed time." That is how I feel about Meech Lake. Thank you.

* (1800)

Mr. Chairman: Thank you, Mrs. MacKenzie. We now stand adjourned until 7 p.m. this evening.

RECESS

* (1900)

Mr. Chairman: Good evening, ladies and gentlemen. Welcome to our Winnipeg public hearing, Meech Lake—I guess it's Round 4—tonight. We have a long list of speakers on our list.

Again I would just quickly give you the rules. It is a 20-minute speech maximum, but we would be delighted with any shorter speeches than 20 minutes because of the length of the number of people we have who wish to speak to us tonight. You will get a bell that will ring after 15 minutes which tells you that you have five minutes left, a second bell at 20 minutes which means that we would ask you to gracefully conclude, and then there will be up to 10 minutes left for questions by Members of the Task Force.

If you have a written brief and have not already done so, would you be kind enough to give it to Ms. Greschuk who is standing now. She is assistant secretary of the Task Force. She will take your brief and see that it's properly distributed to those who need to have it before you actually come forward.

It is my pleasure to introduce the Members of the Task Force who are with me this evening. Mr. Jim

McCrae, the Honourable Jim McCrae, the Attorney General of Manitoba; the Deputy Leader of the Liberal Party in Manitoba, Mr. Jim Carr; the Member of the Legislature for Lac du Bonnet, Mr. Darren Praznik, Legislative Assistant to the Premier as well; the Member of the Legislature for Flin Flon, Mr. Jerry Storie—Mr. Doer will be coming later but Mr. Storie is holding the fort for the first hour or so; Mr. Paul Edwards, Member of the Legislature for St. James; and Mr. Harold Gilleshammer, Member of the Legislature for Minnedosa. I am Wally Fox-Decent.

So, ladies and gentlemen, I'm going to call first—and it's a bit out of the order that you might have seen, those of you who are presenting—on Mr. Douglas Campbell, our very distinguished Premier emeritus. The reason I'm doing that is because Mr. Campbell might not get on until about one o'clock this morning and in deference, sir, and respect to you as our elder statesman, I'm sure the audience would be delighted if you come forward now, and I would ask you to do so. Please proceed, sir. We're ready.

Mr. Douglas Campbell (Private Citizen): Mr. Chairman, and Members of the Task Force, I am happy to have this opportunity to join with so many others in sitting in at this meeting. I think it's an excellent idea that the Government and the Legislative Assembly had, that these hearings are being held. I think if a similar procedure had been followed before Meech Lake was progressed as far as it has that better results would have been obtained. In any case, we now have these hearings and I'm delighted to see the interest that is being taken in them.

I'm very glad, Mr. Chairman, to see that one with such a record of service and professional standing as you has been chosen as the chairman of the very important committee. If my memory serves me properly, and it may not be correct, I believe that you and I were contemporaries as Premier in this province, or were you a Prime Minister?

Mr. Chairman: No, sir, I was a Premier, and I well remember you inviting me to the opening of the legislative Session as Premier of the Tuxes and Older Boys Parliament, 1956.

Mr. Campbell: '56, was it?

Mr. Chairman: Yes, sir.

Mr. Campbell: Well, I kind of thought so and I was always happy to share the Premiership with you and I am glad to see you in this distinguished position tonight. In one way, I can meet with your wishes, Mr. Chairman, and I think I can, contrary to custom, keep within my 20 minutes likely but, in one way, I am able to save on the time because so many presentations have been made to your Task Force already on some of the points that I think are so important that I can be more brief than I otherwise would.

I am not putting mine necessarily in the order of importance, but one of the ones that I am sure has been thoroughly covered by ones who have already

made presentations is the question of the "distinct society" and, in common with so many others who have spoken to you, I think that it would be wholly inadequate to say that I object to that provision in Meech Lake. I think it is running absolutely contrary to the kind of spirit that we should be fostering in Canada now. To say that any one of the provinces is distinct, compared with another, goes against the grain of what we all want as Canadians.

I have the feeling that when that is not only stated but put into legislation and, if the rest of the Meech Lake Accord were also put into legislation, then I think it would be impossible to ever get it out again, that is, if you had to have unanimous consent of all the provinces to make a change. So I think it would be a fatal mistake to put such a provision as that into legislation.

I know that you are all aware, Mr. Chairman and Members of the Task Force, that this is legislation that is proposed. It is legislation that, if passed, will be an amendment to our present Constitution. If that kind of a provision is enshrined in the Constitution, it will in my opinion not only allow but encourage the Province of Quebec to consider itself almost a separate state within this country.

As a matter of fact, it is well known that the province takes that position already. I heard the announcement that was made—yesterday, I think it was—with regard to the sale of hydro power by Quebec to New York State. In the discussion that the Governor of New York State and the Premier of Quebec were having, the Premier of Quebec referred to the two states, New York and Quebec. That is a position that Quebec has been attempting to assert on its own behalf which is one thing, but to write that into legislation I think would be a tremendous mistake and would simply encourage Quebec to go further than what it is already doing in trying to present itself as a "distinct society."

* (1910)

I think further than that it would encourage Quebec to amplify and further promote the efforts that the federal Government continues to do in a field that I think is completely unnecessary and is wasteful and is divisive as far as the citizens of the country are concerned in trying to force more and more of the services in French to be given by provincial Governments and by municipal Governments and other organizations. So to say that I am opposed to the "distinct society" clause is putting it very mildly, but it's been so thoroughly argued by other people that I don't need to elaborate any more than that.

Another thing that I consider extremely important is the one that requires, if Meech Lake is accepted, unanimous approval by all the provinces for certain constitutional reforms. In my view, Mr. Chairman, that simply means that it would be almost impossible to get meaningful reforms. It would be almost impossible to get further provinces taken in to be part of the country. It would certainly be impossible in my view to get the reformation of the Senate that so many people want, particularly in the way of three E Senate, as is

widely supported by a great many people in Canada. So for that reason, among others, I consider the provision requiring unanimity among all the provinces to be an absolutely retrograde suggestion.

Then I go back to the other one—and make no mistake about this, that if Meech Lake were to be accepted—and heaven forbid that it should—but if it should, then it will mean that would be the law and this provision with regard to Quebec and the instruction in the Meech Lake Accord that practically demands that Quebec consider itself bound to promote and preserve the distinct society that it's accorded would naturally follow.

But I go back to an earlier part of the Meech Lake Accord and that is to the very first section of the Accord itself. I probably will not quote it exactly as it appears in the text, but as I read it or have had it read to me, it starts out by saying that the Constitution of Canada shall be interpreted in a manner consistent with the recognition of so and so and so and so. The Constitution of Canada shall be interpreted in such and such a way.

Mr. Chairman, the Members of your Task Force are all Members of the Legislative Assembly, and I am sure that every one of them knows that is not the way to write legislation. The way you should write legislation is to make it as clear and concise as possible, and make the statement of what you intend the law to be. But it is not the function of a Legislative Assembly or of the Parliament of Canada to say what the interpretations shall be. The interpretation is up to the courts and in the case of this one, we might as well talk about the Supreme Court because that's where any question that arises regarding the legality of some construction would naturally come.

We've seen questions—and I am one who is very disturbed by the fact that there appears to be nowadays a conscious effort on the part of the Supreme Court of Canada to arrogate to itself powers that were never, never intended, as far as I can find out, to be their powers under the Constitution, because in recent cases the Supreme Court has taken that position that it, like the Supreme Court down in the United States, is empowered to make law.

Well, Mr. Chairman, I am sure that you, as a constitutional authority, would agree with me that is not the Supreme Court's job. Their job is to interpret the law and that is what they are supposed to do. If they interpret the law a certain way, that is okay. Then it is up to the Parliament or Legislature, as the case may be, to repair the law in such manner as they see fit. It is not the right, I submit to you, it is not the right and the Supreme Court is not empowered to tell Parliament or the Legislature what it should do in the way of repairing the law or making new law.

Similarly, it is not within the purview of the Parliament, in my opinion, to tell the court how it shall interpret the law. This very first sentence in this very first section of the Meech Lake Accord, to me, violates that principle that must be so carefully considered, and that both Parliament and the courts must stay in their respective jurisdiction.

So right at the beginning, I think this Meech Lake Accord gets off to a very faulty start, but then it goes

on from there. It says it shall be interpreted in a manner consistent with the fact that the presence of French-speaking Canadians centered in Quebec, but present elsewhere in Canada, and English-speaking Canadians congregated outside Quebec, but present also in Quebec, is a fundamental characteristic of Canada. What a statement to base important conclusions on!

In my opinion, that is neither fundamental nor characteristic. It is a historical fact, of course, but what force and effect does it have? Just the demographic or geographic disposition of the French-speaking people and the English-speaking people, and why is it in there? Why did the Prime Minister of Canada, the 10 provincial Premiers, think that was a worthwhile statement to make and declare it a fundamental characteristic of Canada, and then go ahead and base other matters, matters of great importance on that frail assumption?

Mr. Chairman, you well know, if that is a fundamental consideration of Canada, if that is a fundamental characteristic, then there are many other things that I think are just as deserving of mention as that. It is a fundamental characteristic of Canada, if that is one, that the French-speaking people and the English-speaking people were not the first ones in this country. There were at least two groups, probably three races of people here before the French-speaking people and the English-speaking people showed up.

Why do they not put that in as a fundamental characteristic of Canada? It is at least as deserving of attention as the one they want to insert into the law, if Meech Lake carried through a law that could not be changed, that something as unimportant as that is a fundamental consideration, and then you base a lot of further law on it? It is a fundamental consideration of Canada, fundamental characteristic at least of as much importance as that.

* (1920)

The French-speaking people and the English-speaking people who came to Canada did not come with any particularly high motives or anything of that kind. They came, first of all, looking for a route to the Orient where they could get some worthwhile trade and make some money out of it. That is the reason they came to begin with. Then they found out there was a very fine trade to be had right here in Canada. They went to work and they developed that trade and they made lots of money out of it. That was the reason they stayed in Canada. They prospered and they prosecuted their various lines of work, particularly the fur trade. Their territories overlapped and they got into trouble with one another. There were wars and misunderstandings, culminating in war, real war, pushed largely by their old countries—France on the one hand and England on the other, pushed from behind by them. They finally got into a war that ended up with the King of France ceding all of Canada to the King of England. Surely, that is a fundamental characteristic of Canada, if you are going to be enumerating the characteristics of Canada and then go ahead to base some legislation on it. Surely, that one is worth mentioning.

When Canada with all of its islands and all of its various colonies was ceded by the King of France to

the King of Britain, neither country cared too much about it. My French is not very good but if I remember correctly, the remark that was made by one of the statesmen in France as to what they had lost in Canada was so, "un petit arpent de neige," a few acres of snow. That is how France regarded Canada at that time, and England did not have a very much higher opinion of it, because a few years later when further treaties were being made after the Treaty of Paris in 1763 that had ceded all of Canada to the British, when some further discussions were held a few years later, England was quite prepared for some time to deal off Canada for the island of Guadeloupe down in the West Indies, because it raised a lot of sugar.

The English-speaking people and the French-speaking people did not think too much of Canada in those days. By the way, at the time when that change was made in the treaty, at that time that is when Britain in a fit of generosity gave back St. Pierre and Miquelon to France, and look at the trouble they have had over that ever since.

Mr. Chairman, there are a lot of things that are more fundamentally characteristic to Canada than the one that is mentioned in this Meech Lake Accord. Why is this one singled out and then a lot of further legislation based on it? You and I know why. The reason in here—and I deplore the fact that it is present in this so-called Meech Lake agreement. I wonder at the fact that the Premiers of the provinces outside of Quebec—I can understand why Mr. Bourassa would, and I can understand why the Prime Minister would but the other Premiers. Why in the world would they agree to a program such as is envisaged in this Meech Lake Accord that definitely says you can interpret it as you like, and it does not need the Supreme Court, or you or me or anybody else to interpret it?

The public knows what it says, what it is saying there and what it is wanting to write into the Constitution of Canada for all time to come, and it could not be changed if you got Meech Lake in, is that the French and the English are a little bit better than everybody else, and the French are a little bit better than the English, that is what it says. Is that the kind of thing we want here in this society of ours which is multicultural and which is pluralistic? Shouldn't we be saying instead that all of us in Canada, all provinces are the same, all are equal, all people who are citizens of Canada are all equal and we're going to get along and we're going to take the abilities that each and every one of them has and make the best of them all and meld them all together and they're all going to live together and we're all going to be equal.

Did I hear the bell, Mr. Chairman?

Mr. Chairman: With regret, sir, yes.

Mr. Campbell: Yes. Is it the final bell?

Mr. Chairman: I'm afraid so.

Mr. Campbell: It's the final one. Then I guess I'm through because I've learned that we should stick to the rules too. I've quite a bit more I could say but

maybe somebody will ask a question and give me a chance to get a few extra minutes.

Mr. Chairman: The first question is from Mr. Carr.

Mr. Carr: Thank you, Mr. Chairman. I don't want you to be through so I'm going to ask you a question.

Mr. Campbell: Good for you, Jim. That's what I call cooperation.

Mr. Carr: Let me first say, sir, how much of a pleasure it is to listen to you and to be exposed to your clear thinking and your years of wisdom and experience.

Much of the debate around the Meech Lake Accord has to do with the relative powers of the federal Government and the provinces. Critics of the Accord think that it decentralizes power too much, that the provinces have more than they ought to have. I wonder if you have an opinion on that subject, sir.

Mr. Campbell: I haven't paid as much attention to that as some of the things that I've been mentioning, but to the extent that I am conversant with it, I would agree with that criticism. I spent all of my time in provincial affairs and not federal, although through the years I frequently attended federal-provincial gatherings very, very often, some of them all on the Constitution. As one who was in provincial affairs all the time, I still think that it's the federal Government not the provinces individually that must maintain this centre of control and must be responsible for the overall national program. I think that to the extent that there is a weakening here of the federal power, then I think in that regard too Meech Lake is deficient.

Mr. Carr: Thank you.

Mr. Chairman: The next question is from Mr. McCrae.

Mr. McCrae: Mr. Campbell, I would echo what Mr. Carr has said about your straight thinking and straightforward way of talking. We all appreciate that because I think it's refreshing once in a while to hear somebody we can understand.

Mr. Campbell: I'm glad I got a few minutes with you before the meeting started, Jim.

Mr. McCrae: Just following on the answer you gave to Mr. Carr, you were talking about seeing power centralized or remaining centralized and strong at the federal level. It kind of leads me to want to ask you a little bit about your own views about how we could change or reform the Senate to assist in giving the regions the kind of voice that the Senate was set up for in the first place, if you could just carry on with the answer you started to give to Mr. Carr and then maybe talk a little bit about how you feel the Senate could be more effective or your feelings about the Senate generally.

Mr. Campbell: What is called the Three E or Triple E Senate seemed to have had a lot of discussion. A lot

of work has been put in it by people who are better informed on that sort of thing than I, and I think it's meeting with general acceptance. I certainly would think it's probably the very best start that could be made now, for all of us to pull for the Triple E Senate. I realize that the part of—the first E is very easy to understand and would get, I think, 100 percent popular support, that is "elected." I think everybody almost is in favour of that. The second one, "equal," some people might have qualms of conscience about giving little Prince Edward Island the same number of senators as big Ontario, but that is what they do in the United States and I would think that the disparity between the Yukon and California might be just as great as between those two provinces I have mentioned here. So I think the merit of the proposition outweighs any disadvantage like that.

• (1930)

But the one that I don't have any trouble with, I still go for the third, "effective," but I think it will take a lot of careful thinking, more than I have heard enunciated yet, as to just how it shall be made effective. I have my own ideas—if I have time and if you ask another question, I'll elaborate on them—about effective and on this I am speaking for no group, no Party at all, just for myself. But I would think that one way that you could make it effective would be that if the Senate at two different times, on two occasions, after the Commons passing something—we have to leave the ultimate control with the Commons—but if on two different occasions the Senate sent it back, then it might be one case where that would require a referendum.

Mr. Chairman: One more question from Mr. McCrae.

Mr. McCrae: A quick supplementary, I know what motivates me as a politician, Mr. Campbell, and I know that there is another election coming along and maybe the fact that I was elected in the first place will make me attempt to be as effective as I can with that other election on the horizon. Would you think that having an elected Senate, electing senators, the election alone would help guarantee some higher level of effectiveness just in the sense of speaking out for those areas and regions which aren't as well represented as they might be now?

Mr. Campbell: Yes, I would think it definitely would do that. On the other hand, I think that for the sake of the senators themselves that they would feel much more confident in asserting the authority that they would be given if they felt, like all the Members of this panel, that they have been elected, rather than just appointed by some one individual or group.

Mr. Chairman: Well, sir, we have much enjoyed your presentation and thank you for responding so succinctly to the questions that were asked following your splendid presentation.

Mr. Campbell: Thank you very much. It has been a pleasure to be with you.

Mr. Chairman: Thank you, sir. Our next presenter is a gentleman who has waited patiently from this afternoon—we didn't quite finish this afternoon's list. I would now call on Mr. Fred Cameron, representing the Western Independence Party of Manitoba. We have your written brief from this afternoon, sir.

Mr. Fred Cameron (Western Independence Party of Manitoba): There's one mistake in there. My typewriter put the wrong word in it there. It's on page 5, I believe, paragraph 2, line 4, and the word reads "but" and it should be "and." "France and" if you notice on the second paragraph.

Mr. Chairman: Yes, sir.

Mr. Cameron: Okay. Mr. Chairman, Task Force Members, ladies and gentleman, on behalf of the Western Independence Party of Manitoba, I submit the Meech Lake Accord as being racist, not democratic and evolved through a flawed system of Government. It is also divisive and discriminating as it caters to a minority section of Canada's population. How can a distinct society be legally created within a democracy without the consent of the majority of the people?

The Meech Lake Accord, Quebec's domination of Canadian affairs, the language Act, the immigration policy, to name a few, are just symptoms of the real dominant issue confronting and frustrating Canadians today, which is a glaring lack of democratic control over Governments. Canada's political governmental system, through Party discipline and Party policy, make it impossible for elected representatives to democratically represent the majority opinion of the constituency.

This also applies to Members of the National Assembly in Quebec. Yes, even though our Constitution calls for a Legislative Assembly in each province, Quebec has a "National Assembly" which suggests a nation state. The authors of Meech Lake have the nerve to talk about principles of equality of all provinces. Yet they do not have the honesty to mention Quebec having a National Assembly in Article 2.(3). Instead, they refer to their Legislature and Government of Quebec. Judging from the many federal areas Quebec controls and the fact they did not sign the Canadian Constitution, Quebec is already a distinct society and a separate nation. Why then are we catering to Quebec and giving them attention such as the Meech Lake Accord? It must be obvious to even grade-school students to realize we have several distinct societies in Canada, if ethnic origin is the criteria.

The preamble to the Accord that we have at our disposal states it would bring Quebec into active participation in Canada's evolution with certain other advantages of unity, harmony and equality. It does not take much thought to establish through history that Quebec has taken an active part in Canada for years. Some people think they have been too active, to the point of the "tail wagging the dog," as the saying goes.

From the schedule, Article 2.(1)(a) makes a somewhat insignificant statement by pointing out the English- and French-speaking Canadians are a fundamental

characteristic of Canada. In the beginning this was so, but now Canada has many, many ethnic people. From the melding and mixing of these people should emerge a distinct Canadian character, which has surely been the case in western Canada and should be the image we present to the world, instead of the heavy French-weighted image that is promoted today.

The Accord goes on to speak about immigration. When Mr. Trudeau was Prime Minister, he made sure there was an immigration Act that opened doors wide to African and Asian peoples and all but shut out Europeans who were the first to settle Canada, with a small amount of Asian and African people who have now evolved as possible fourth-generation Canadians. These groups and others have kept their culture alive without the clamoring and bickering we hear from the French and, until multiculturalism came into being, without financial help from Government, and even now the bulk of that financial help goes to the French.

Of course, Canada can do with immigration, but on a much smaller scale and subject to Canada's unemployment situation. Mr. Trudeau must have known this action would bring in cultures that were very different to the European cultures that were already here, in quantities that would not readily mix for a long, long time. With this came multiculturalism, which in time will further erode unity and pursuit of the Canadian culture and, if left to flourish, will split Canada into several groups or even small countries.

Along with immigration and multiculturalism comes the Trudeau so-called Constitution, which controls Canada and favours Quebec without the consent of the Canadian people. Then there is our Charter of Rights which was never voted on by the people. In a democracy, anyone's rights should only go as far as the majority allow. Life is given to us at birth and it is a privilege to live. With this privilege goes a responsibility, the first being to get along with your fellow man. In light of the fact it is near impossible to satisfy 100 percent of the masses, democracy satisfies the majority, or it should.

* (1940)

Immigration and multiculturalism fragment the other than French population of Canada in our Constitution, and now the Accord ensures the French culture to dominate. Mr. Trudeau gave us a Constitution and the finger. Mr. Mulroney is giving us the whole forearm and Meech Lake. Mr. Trudeau, although a very much non-military and unpatriotic person by his despicable actions during World War II, brought into play the old strategy of divide and conquer. This strategy, using immigration, bilingualism and a distinct society, will surely be victorious where General Montcalm failed so long ago.

There is a plaque over the old Quebec City Post Office. It has been there for a great number of years and is significant in light of what is taking place today. The inscription is in French and the translation reads:

"I am dog that gnaws a bone, I crouch and gnaw it all alone. The time will come which is not yet, when I will bite him by whom I'm bit."

The gnawing part of this inscription seems to reflect the feeling that France had abandoned the French when

the British took over. The biting part seems to be close at hand considering what has taken place and what is now taking place in Quebec and Canada.

I say all this after being on four continents in the service of Canada, and working with and observing people of many races. From this experience, I have come to the conclusion it does not matter what colour or race or creed people are, we are made up with the same faults and the same good points of character. The majority only want a decent life of sufficient food, clothing and shelter with some joy and love mixed in. The sad truth is that a handful of people get control in any race, and democracy in this world is controlled by a minority opinion. Minority opinions are governing Canada and Meech Lake furthers this process.

The word "democracy" means a Government controlled by the people, where the supreme power of Government is with the people. This action is seen in clubs, associations, societies, etc., where members vote directly on issues and majority votes decide, or we go to the polls and elect representatives who will so act for us. From this, it is evident these representatives should uphold the majority opinion of the area or group they represent.

This places the last check and balance of Government with the people, which is the essence of democracy. Today, with Party discipline and Party policy in action, a vote on Meech Lake would not likely reflect the people's wish, but the individual wish of the representative or the Party policy. Representatives' loyalty should be to the people they represent and not to the Party. However, a referendum on that same issue would reflect the majority opinion, providing a period of time was set aside to hear for and against opinions before a referendum was taken. It would be well to note the majority rule I have been talking about is not to be confused with mob rule. Dictionaries predominantly refer to a mob as a violent disorderly crowd.

Canada is presented to the world as a democracy and a confederation of provinces. "Confederation" means a union or joining together for common purposes, and all signing areas to be treated equal. The Meech Lake Accord violates this principle unless the majority of Canadians accept it.

The regulations governing such a union would be found in the written Constitution of that Confederation, signed by all provinces and approved by the people. The Canadian Constitution has not met these requirements. Canadians did not vote on it and Quebec did not sign it. Therefore, it is not legal and Quebec is a foreign country. Why waste money, time and effort on Meech Lake and the like when Quebec gets everything it wants in or out of Confederation? This seems to be made possible by spineless politicians who we do not control, and at the expense of the rest of Canada.

The Meech Lake Accord bears directly on our Constitution as it will amend it. Our Constitution is nothing more than an amended British North America Act, amended without the consent of the people, and caters to the same distinct society that Meech Lake

caters to. The British North America Act was an Act of the British Parliament, as such was never presented to the people for approval. Even Governments of the Atlantic Colonies of that time had a difficult time accepting it. Newfoundland rejected it until 1949, and it is still an issue in that province.

In regard to our Constitution and the British North America Act, it is hard to imagine in a democracy that decisions made by a few dozen people over 120 years ago should still be valid and adhered to without the people's approval.

The egg of Meech Lake was fertilized by a few people, was incubated by 11 behind closed doors, and was hatched in the dead of night.

The father of Meech Lake, Mr. Mulroney, is not even a Canadian as Quebec did not sign the Constitution, yet he was our Prime Minister for four years and today with only 43 percent of the vote, not even a simple majority vote, and will likely govern for another four years. Of course, in Manitoba we have a Party in power with only 38 percent of the vote. It is plain that Canada is not making a good showing of democracy.

In Canada, it is obvious that Quebec and Canadians of French origin have been catered to and treated as a distinct society for years, and this treatment has greatly escalated up to now. Starting in the days of Mr. Pearson, it went into overdrive in Mr. Trudeau's time and into warp speed with Mr. Mulroney. The French takeover of Canada is still advancing under the same smoke screen of bilingualism and two founding nations as it was in Trudeau's time. How blind can we Canadians be?

Quebec controls its own language, immigration, pensions and has a national Government, to mention some. They have two radio and TV networks, even in areas where over 95 percent of the people speak English and at least 99 percent of the people of French origin do also. We must also remember there has been over 100 years in which English could have been learned by the minority. French people account for greater per capita numbers in many Civil Service departments and hold many key positions. This is assured by Mr. Trudeau and Serge Joyal, and they were not backward in telling Canadians about this in speeches.

Quebec controls a percentage of Canada's military forces, which is quite significant considering the small, inadequate force we have, and Quebec also holds the bulk of backup war material. This is the same force that some groups in Quebec made Quebecers reluctant to serve in, in wartime, to defend their motherland of France and their country of Canada.

Please Note:—and I want to make this perfectly clear—all Canadians of French origin are not of that mind. While serving in those forces, I met Canadians of many origins, including French. In Canada, there are many French who do not go along with the Meech Lake type of legislation and who are Canadians, not Canadiennes.

Spreading of the French language through bilingualism, immersion programs, the building of all-French schools, even an all-French university in Toronto,

imagine! All this represents huge sums of money, money that Canada does not have, considering our huge federal and provincial debt. This money could be used for much more needed hospital and social services and teaching English to new Canadians.

Yes, ladies and gentlemen, Quebec has been treated as a distinct society for far too long, and our elected representatives have been making a mockery of democracy by catering to this sort of favouritism.

In regard to the Meech Lake Accord, we are trying to amend a Constitution which is not a democratic document, and to amend it through a process that is not democratic. It is the wish of the Western Independence Party of Manitoba to have that offensive document torn up and direct the energy of our representatives to drawing up a new Constitution reflecting the wishes of the majority and making it a truly democratic Canadian Constitution.

It is also our wish that the presentations to this Task Force be treated with more understanding and respect than was shown to the French language submissions of 1983 by our former New Democratic Government.

In closing, I point out and want to make it perfectly clear, the Western Independence Party of Manitoba is not—and I repeat—is not anti-French or anti-any other race but we are definitely pro-western Canadian. We have Party members of many origins, including French, but we are certainly against two official languages. It is expensive and just does not make sense on the North American continent. If we both knew both languages and asked you a question and you answered in the other language, it would be rather odd.

There is nothing wrong in knowing more than one language but one official language is more unifying, and the business of the nation needs only one language to operate in, especially when our largest trading partner is the United States of America with over 200 million people using English, and it is used extensively in many other countries. I also point out that Quebecers have no more control of their Government than we do because they are under the same flawed democracy as we are in Canada.

* (1950)

For a final statement, I say the Meech Lake Accord is a product of a corrupt system and, in no way, reflects the democratic concept and should be defeated.

Mr. Chairman, with your permission, I will add this addition that I made. I wrote the other one on the 3rd of April. It will take about two minutes, I think.

There are two phrases I hear in these Task Force hearings which are "parallel Accord" and "civil war." This is most disturbing. First, civil war does not need to happen in Canada. All the public have to do is vote a political Party to power that will carry out democratic Government as it is supposed to be exercised, placing the last check and balance of Government in the hands of the people through the use of referendum and recall, and allowing elected representatives a free vote on all issues and establishing a Triple E Senate.

The "parallel Accord" needs some explaining to begin with. Why do we need an Accord of any kind? The

Meech Lake Accord caters to Quebec needlessly, as the French culture was assured by Mr. Trudeau in our so-called Constitution. Is the parallel Accord going to appease Quebec even more? Is a parallel Accord going to create more distinct societies without the people's consent? What we really need is a truly democratic Canadian Constitution with Canadian input which would be approved by Canadians.

I believe one of the first articles of that Constitution should read something like this: "People born within the geographical borders of Canada, or who have completed the recognized requirement for Canadian citizenship status will be called Canadians, not a something-Canadian." Another should read—

Mr. Chairman: I am sorry, sir, that is the end of your time but we will, of course, read the last paragraph in your brief.

Mr. Cameron: There are only a couple more sentences.

Mr. Chairman: There is another paragraph, sir. I have to be fair to everybody.

Mr. Cameron: That is okay. I am not complaining.

Mr. Chairman: Thank you. Are there any questions from the Task Force? Thank you again, Mr. Cameron.

Mr. Cameron: Thank you. I am glad that you all agreed with what I said; there are no questions.

Mr. Chairman: The next presenter, Ms. Helen Christoffersen, representing the Status of Women/Equality in Education.

Ms. Helen G. Christoffersen (Status of Women/Equality in Education): Good evening, ladies and gentlemen. I would like to thank the Manitoba Task Force on the 1987 Meech Lake Accord for the opportunity to speak and write my concerns about the Meech Lake Accord.

I feel the Meech Lake Accord, being an amendment to the Canadian Constitution of 1867, is significant in that it appears to put the Canadian Charter of Rights and Freedoms' guarantees into a subordinate position, should these Charter rights ever come into conflict with other constitutional interests.

I would like to quote from an article written by Paula Mallea on women's equality rights and the Meech Lake Accord that talks about the conflict. The Supreme Court of Canada has already made such a finding, this conflict in reference re Bill 30, An Act to Amend The Education Act to provide Full Funding for Roman Catholic Separate High Schools, June 27, 1987. In this case, the Ontario Government argued that its legislation extending full funding to Roman Catholic separate schools was justified under S. 93 of the Constitution Act, 1867, which gave the provinces guaranteed power to legislate in this area. Opponents argued that the legislation violated the Charter in a number of ways. For example, if full funding were to be accorded Catholic schools, then the same should be accorded to other

special interest schools—Hasidic, Baptist, and so on. The Supreme Court of Canada decided the Charter could not be used to invalidate other provisions of the Constitution, especially a section like S. 93, which was "a fundamental part of the Confederation compromise." Mr. Justice Estey said that if the Constitution expressly permitted certain distinctions, then the Charter could not be used to render these invalid.

In short, in such a contest between fundamental values of the Constitution and fundamental values of the Charter, the Charter comes second. Why is this of concern to women? What values exist in the Constitution which might come into conflict with the Charter guarantees of equality? Once the Meech Lake Accord is ratified and becomes law, the provisions therein will be treated as though they were part of the original Constitution Act, 1867. Thus, they will have paramourcy in any contest with the Charter.

There is one section of the Meech Lake Accord, in particular, which contains the seeds of such a conflict. Section 16 of the Accord specifically protects aboriginal and multicultural rights. It is this clause which is referred to when critics speak of the "hierarchy of rights" which the Accord appears to be setting up. There is a legal term for what is occurring here, "unius est exclusio alterius." It means if you expressly mention one or two items of a list, then the implication is it was your intention to exclude all of the others in the list. Since the Accord specifically mentions aboriginal and multicultural rights, we may assume it was intended to relegate all other rights to second or third place. We may assume that the courts will so rule.

Not only women's rights stand to be affected, but also rights of the disabled, the elderly, and other groups presently protected by S. 15 of the Charter. There is no reason why such rights need be in conflict with aboriginal and multicultural rights, and our legislators have insisted that it was not their intention that such should occur. However, the way in which the Accord is presently drafted sets up an artificial conflict, which is unnecessary, by specifically supporting some but not all of the groups referred to in the Charter.

Thus, with the Bill 30 case as a precedent should the rights of women, now protected by the Charter, come into conflict with the rights of aboriginal or multicultural groups which will be specifically protected under the Constitution if the Accord is ratified, then it is fair to assume that the rights of women will be ruled to be secondary.

At the time the Canadian Charter of Rights and Freedoms was signed, it seemed our legislators were committed to equality rights. Subsequent developments though have compromised those rights, both through a decision of the Supreme Court of Canada and now through the faulty drafting of an Accord which will have a profound effect upon the Charter and consequently upon women everywhere. In 1982, we believed our equality rights were enshrined in the Charter; now, in 1988, this no longer appears to be the case.

We have been assured by politicians, including the Prime Minister, that the Accord could not be used to discriminate on the basis of sex. However, it is a well-

known tenet of jurisprudence that such assurances, such expressions of good intention carry little or no weight when the interpretation of the statutes is at issue.

The manner in which the Meech Lake Accord has been drafted with respect to equality rights has already become the subject of fierce debate in the legal community. We can be sure, therefore, it will be tested in the courts if ratified in its present form. Surely, it is much the wiser course to correct the flaw now and have some certainty, rather than to submit the Accord to the courts whence the result is far from certain and may risk the rights of women everywhere.

The Meech Lake Accord is a dangerous document for women as it is presently drafted, and yet very little is required to set it right. All that is required is a simple preamble or amendment to the effect that nothing in the Accord shall abrogate or derogate from any of the rights and freedoms guaranteed by the Canadian Charter of Rights and Freedoms. With such a clarification, we will be in a position to continue to fight for equality for women. Without it, we will find ourselves lacking the legislative tools, lacking the assistance of a Charter whose guarantees will continue to assist women to find true equality as persons in Canada.

* (2000)

I would also like to focus some attention on how the Meech Lake Accord might affect today's women, as well as future women in education. In public school education, we are struggling to promote equality issues by creating equal opportunity options for our students. How will we reconcile the fact our Government proposes to risk these equality opportunities with our educational objectives? At the secondary education level, women's studies are gaining in importance. Will these be relegated to the past? If the Meech Lake Accord becomes law, equality rights will be jeopardized. Present and future Canadian children's rights are threatened. As teachers, as women and as Canadians, we cannot risk losing our Charter rights. That is why we say, amend the Accord now before it is entrenched in the Constitution. Thank you very much.

Mr. Chairman: Thank you. Ms. Christoffersen, may I just ask—I notice you say "I feel." Are you indeed representing the Status of Women Equality in Education?

Ms. Christoffersen: I'm representing as a member of the equality in education, yes.

Mr. Chairman: But it is not the official position of the group or—

Ms. Christoffersen: It's not an official group position I have.

Mr. Chairman: Thanks for that clarification.

Are there any questions? Thank you again.

Mr. Chairman: Our next speakers/presenters, Miss Grace Ivey, Miss Michèle Pujol, representing the Manitoba Advisory Council on the Status of Women.

Est-ce que vous parlez français pendant cette présentation? (Will you be speaking French in this presentation?)

Ms. Michèle Pujol (Manitoba Advisory Council on the Status of Women): Oui, une partie de la présentation sera en français. (Yes, a part of this presentation will be done in French.)

Mr. Chairman: Oui, excellent, merci. We have translation devices at the back, ladies and gentlemen. There will be some French in this presentation. If you would simply tune in on channel four, please. If you would like to pick up one of the translation machines. There is plenty available for everyone. Please proceed.

Ms. Grace Ivey (Manitoba Advisory Council on the Status of Women): Members of the committee, my name is Grace Ivey. I am with the Advisory Council, and this is Michèle Pujol. There is an incorrect spelling of her name. It should be one "L" in Michele and P-u-j-o-l in the last name.

Mr. Chairman: Thanks. We'll make those corrections.

Ms. Ivey: We are pleased to present this brief today as representatives of the Manitoba Advisory Council on the Status of Women, which is an arm's-length agency of the Government given the mandate to provide advice to the Manitoba Government on matters relating to the status of women.

The Advisory Council is also represented on the Ad Hoc Committee of the Manitoba Equality-Seeking Groups on the Meech Lake Accord, and supports the presentations given by the ad hoc committee and by other member groups appearing before this Task Force. We will be making general comments on the major issues raised by these groups, rather than repeating the more detailed statements and recommendations that have already been made so effectively.

We believe that few recent issues have been so vital to the equality aspirations of Canadian women as the controversy surrounding the 1987 Meech Lake Constitutional Accord. This is obvious just in the sheer number of women and women's equality seeking organizations who have spoken out and expressed their serious concerns and reservations. If the leaders of this country are sincere in their stated wishes to promote equality between women and men, they must respect the perceptions of women, and believe us when we say that there is something seriously wrong with the Meech Lake Accord.

Since the Advisory Council's mandate deals with matters relating to the status of women, this brief will address as a priority the possible effects of Meech Lake on equality rights. We will also be commenting on several other issues.

Equality Rights: Many groups and individuals in this province and elsewhere have raised the issue of equality rights under the Meech Lake Accord. We will not repeat the varied and complex commentaries on how the Accord would affect the Charter of Rights and Freedoms. We firmly believe, however, that the Accord

as it stands presents a serious risk to the rights of women and other vulnerable groups, and that any risk to these hard-won rights is too much risk.

The attitude of "trust us, we have your interests at heart" is not only patronizing, it is disturbingly complacent where women's rights are concerned. We remember all too clearly the struggle of 1981-82 that resulted in the inclusion of Section 28 of the Charter of Rights. We have also seen very inconsistent treatment of equality rights in this country.

After all, it was in this country that women were ruled not to be persons; that a pregnant woman was seen to be discriminated against not as a woman, but as a pregnant person; that discrimination against Treaty Indian women marrying non-Treaty men was upheld; that a woman who had worked for decades on the family farm was denied a share of the result of her efforts because, after all, that's what wives are expected to do.

Women's constitutional guarantees of equality are in the early stages and they are not yet firmly established. A new constitutional accord must reinforce these guarantees, rather than contribute to uncertainty.

Why is it so difficult to be specific about women's rights? Why are women's rights so unmentionable, let alone all others whose rights are not mentioned in the Meech Lake Accord? Why take even the smallest risk of establishing a hierarchy of rights in our Constitution, and the legal chaos that would result in trying to rectify such a situation?

After all, women are hardly the "special interest group" that some people have tried to call us—we are just over half the population.

Mr. Chairman: Un moment s'il vous plaît pour les machines de la traduction. (One moment please, while we get the translating devices into place.) Would someone give me the signal at the back, please, when everyone has one of the translating devices that they would like to have? We will just pause for a moment at this point.

Have we got all the distribution done at the back? Thank you. I am sorry for the delay ladies, I assure you that we will not deduct from your allocation. Nous sommes prêts, merci. (We are ready, thank you.)

Ms. Michèle Pujol: Merci beaucoup pour votre patience. Le conseil consultatif applaudit l'inclusion du Québec dans la Constitution mais nous ne sommes pas d'accord avec les risques que le processus d'inclusion suivi avec l'Accord du Lac Meech apporte au futur des femmes canadiennes et à leur progrès vers l'égalité. Nous nous demandons en particulier si la clause de société distincte ne menace pas le progrès vers l'égalité pour les femmes québécoises et canadiennes. Est-ce que cette clause pourrait être utilisée pour empêcher l'abolition de lois provinciales québécoises qui freinent l'égalité sous prétexte que ces lois relèvent du statut de société distincte du Québec? Et une fois qu'une exception est faite, est-ce que cela ne constituerait pas un précédent juridique qui puisse affecter les droits de toutes les femmes canadiennes?

La clause de société distincte au Québec remet aussi en cause les droits à l'égalité des habitantes et des habitants autochtones, immigrantes ou immigrants ou membres de minorités ethniques dans cette province, et par extension dans le reste du pays.

Nous nous demandons aussi quelle est la force des droits linguistiques des francophones résidant en dehors du Québec. La clause de société distincte du Québec peut servir à affaiblir ces droits pour les minorités francophones des autres provinces. N'est-il pas significatif que la Saskatchewan ait aboli les droits linguistiques des francophones dans cette province l'an dernier, après et je souligne après, la signature de l'Accord du Lac Meech? Les femmes francophones manitobaines qui ont du mal à présent à obtenir l'accès aux services dont elles ont besoin dans leur propre langue s'inquiètent à juste raison. L'Accord du Lac Meech pourrait être utilisé pour les priver de leurs droits à l'égalité en tant que femmes et en tant que francophones résidant hors Québec.

L'Accord présente aussi des dangers pour les femmes souffrant de déficiences mentales ou physiques, les femmes autochtones et les femmes immigrantes parce qu'il présente la possibilité qu'une "hiérarchie des droits" soit établie. De plus, les autochtones et les habitantes et habitants du Yukon et des Territoires du Nord Ouest n'ont pas été impliqués dans l'élaboration de l'Accord, et sont exclus par l'Accord des futurs développements constitutionnels du pays. Ceci laisse à penser que leurs droits à l'égalité politique et à leur propre système de gouvernement ont été annulés par l'Accord.

L'Accord soulève la possibilité que les politiques et les services d'immigration relèvent de la juridiction provinciale plutôt que fédérale avec la mise en place de l'autonomie du Québec en ce qui concerne l'immigration. Cela est inquiétant pour les femmes immigrantes qui pourraient trouver leur mobilité à l'intérieur du Canada limitée par des politiques provinciales d'immigration différentes. Cela pose aussi la question de potentiel politiques d'immigration provinciales à caractère raciste.

Je vais maintenant continuer en Anglais.

(Translation)

Thank you very much for your patience. The Manitoba Advisory Council applauds the inclusion of Quebec in the Constitution, but we are not in agreement with the risks that the process of inclusion followed with the Meech Lake Accord brings to the future of Canadian women and to their progress towards equality. We are particularly wondering whether the "distinct society" clause does not threaten the progress towards equality for Quebec women and Canadian women. Could this clause be used to prevent the abolition of provincial laws in Quebec that slow down the progress towards equality under the pretext that these laws are subject to the distinct society statute of Quebec? Once an exception is made, could this not constitute a legal precedent that could affect the rights of all Canadian women?

The "distinct society" clause of Quebec also puts at risk the rights to equality of the aboriginal and immigrant

inhabitants or members of ethnic minorities in this province and, by extension, in the rest of the country. We also wonder what is the force of the linguistic rights of Francophones residing outside of Quebec. Quebec's "distinct society" clause could serve to weaken these rights for Francophone minorities of other provinces. Isn't it significant that Saskatchewan abolished the linguistic rights of Francophones in that province last year after the signing of the Meech Lake Accord? Manitoban Francophone women who have difficulty at this point in obtaining access to the services that they require in their own language are justly concerned. The Meech Lake Accord could be used to deprive them of their rights to equality as women and as Francophones living outside of Quebec.

The Accord also presents dangers for women who suffer from mental or physical handicaps, aboriginal women and immigrant women, because it presents the possibility of a "hierarchy of rights" being established. Moreover, the aboriginals and the inhabitants of the Yukon and the Northwest Territories were not involved in the development of the Accord and are excluded by the Accord from future constitutional development of the country. This leads us to think that their rights to political equality and to their own governmental system have been abrogated by the Accord.

The Accord brings up the possibility that the policies and immigration services might come under provincial jurisdiction rather than federal jurisdiction with the setting up of Quebec's autonomy with regard to immigration. This causes concern to immigrant women who could find their mobility within Canada limited by provincial policies on immigration that differ one from the other. This also raises the question of potential immigration policies at the provincial level that would be of a racist character.

(English)

I will now continue in English.

Talking about the process, we are also very concerned about the process by which the Meech Lake Accord was drafted and signed. In fact, we believe that the secrecy of the process alone is sufficient reason for serious misgivings about this document. We agree with the national ad hoc coalition of women's groups in their August 1987 brief to the Special Joint Committee when they called this process "profoundly undemocratic."

* (2010)

Of course we realize that private negotiations have a place in the running of a country as large and complex as Canada, where many competing interests are weighed and balanced. The trouble is, considerable evidence exists that women's interests are rarely given equal weight among the interests being balanced and weighed. Until we can see clearly that the rights of women are taken into account consistently by the leaders and power brokers, we will continue to be alarmed by back-room deals and vague promises that our interests are being looked after. We have had enough of private meetings that deal with public matters.

As women, we know that the ends do not justify the means, that the ways in which a goal is achieved have profound effects on the results. To ratify this Accord as it stands establishes dangerous precedents in constitution making, a process that should concern and involve all Canadian citizens to the fullest practical extent.

Talking about cost-shared programs now, the Advisory Council believes that there are too many ambiguities and vague concepts in the Accord when it deals with cost-shared programs.

There programs benefit a very large number of Canadian women, particularly those directed at people of low incomes. We wonder if some of our existing programs could ever come into existence if the Meech Lake Accord had been ratified before they were developed.

Nor are we thinking hypothetically when we raise this problem. Canadian women have been waiting for a long time for an effective national child care strategy. The federal Budget has just told us that we must wait even longer. We have reason to fear that if Meech Lake is ratified as is, we will never see such a program.

Of course, provincial jurisdictions and regional variations must be taken into account and respected, but not at the cost of abandoning minimum standards in this country.

Ms. Ivey: And as far as the parallel Accord goes, one of the proposals for dealing with the difficulty of the Meech Lake Accord is a companion document or parallel Accord. We agree with the Manitoba Ad Hoc Committee that such a proposal is basically unworkable and would only compound the problems of ambiguity that have been raised by the Meech Lake Accord. If it is feasible to get consensus on a parallel document, then it is also feasible and more practical to get consensus on a new constitutional accord.

In conclusion, the Manitoba Advisory Council on the Status of Women strongly recommends that the Meech Lake Accord be scrapped, and a better, more democratic process be followed that would result in a more inclusive, less ambiguous document.

We believe that at the very least, the Meech Lake Accord needs considerable amending to clarify several concepts and to ensure that the Charter of Rights and Freedoms cannot be overridden.

We understand the very real concern about bringing Quebec into the Constitution, and along with many other women's groups, we welcome this development. However, we want our leaders to be just as concerned about bringing women into the Constitution—to be sure that the realities and needs of all Canadian citizens are reflected in this critical document. We are Canadians too, and we belong in the Constitution. Thank you.

Mr. Chairman: Merci beaucoup. Questions now. Mr. Jerry Storie.

Mr. Jerry Storie (Member for Flin Flon): Mr. Chairman, to either of the presenters, you have left open the door

to amending the Accord, although your preference, we gather, is to scrap the accord and perhaps start on a different process, to develop an amendment to our Constitution which serves our national purposes. I guess my question would be, and I am assuming that Status of Women groups from across the country have taken much the same position. I am wondering if we are going to start on amending an amending process, the process begins with the first small step. It would seem to me obvious that one of the areas that needs amending is an amendment that will protect the Charter of Rights. Have you or women's groups across the country proposed or tested the waters, if you will, on the possibility of such amendments, for example, with the Premier of Quebec, who has been quite adamant at least publically that there be no changes whatsoever? Have there been any attempts at beginning that first step?

Ms. Ivey: I don't know whether that has happened or not. I couldn't say. I think that the fact that it has been stated very plainly by him and others that there must be no changes or no amendments would almost preclude us from talking to him. His position has been very clear on that.

Mr. Storie: I agree that it has been quite clear and it strikes me as somewhat strange, odd that when there are so clearly flaws in the document, flaws that are so fundamental to our precepts of equality, that he, the Premier of Quebec, would not even countenance change. What does that tell you? What does that leave you thinking?

Ms. Ivey: Oh, I know what it leaves me thinking. I guess it's for everybody to figure out for themselves.

Mr. Chairman: Any other questions? Thanks again. Mr. Tom Goodman. Good evening to you, sir. We have your written brief. You are appearing as a private citizen? Please proceed.

* (2020)

Mr. Tom Goodman (Private Citizen): My name is Goodman. I live in Stonewall, Manitoba. I am a lawyer, but I am not here as a lawyer. For many years, I have been active with the Progressive Conservative Party both federally and provincially, but I am not here as a Progressive Conservative. I come here as an ordinary Manitoban to express a perhaps vain hope that you will recommend that the Legislature approve the Meech Lake Accord.

Like many Manitobans, I have been knocked from pillar to post on this issue. I happened to be in Ottawa when the Meech Lake Accord was negotiated. I remember standing outside the Langevin Block late at night, waiting for word of the results of the negotiations. There was a feeling of electricity in the air because we knew as we stood there that history was being made only a few yards away. At last, there would be national reconciliation.

More recently, I remember my feeling of anger when Robert Bourassa decided to invoke the notwithstanding

clause and introduce the sign law in the Quebec Legislature. That was, I thought, the ultimate act of bad faith. Finally, we in the West were accepting bilingualism and now Quebec wanted to be unilingual. To make matters worse, Mr. Bourassa said that had Meech Lake been adopted, he would not have needed to invoke the notwithstanding clause. So much for Meech Lake, I thought.

As time passed and my anger waned though, it occurred to me that I had a duty as a citizen to sit down and really work this through in my own mind. I had little difficulty in concluding that our country is mature enough to handle the decentralization of power implicit in the Accord and, as for matters such as Senate reform, it seemed to me that they could safely be put over to a second round of negotiations. In my view, it is not realistic to expect to resolve all of the provinces' grievances at once. Reasonable people acting reasonably, however, achieved the Accord, and there is no reason to believe that our leaders could not be reasonable again.

The real problem for me was the perception that Quebec would be granted special status as a result of the "distinct society" clause. As a Manitoban, I have been brought up to be wary of Quebec and of its motives. Recent experiences with the Quebec involvement in the French language crisis and the CF-18 dispute did nothing to alleviate that suspicion.

I realized on reflection, however, that part of my problem was that I thought of Quebec as a thing or a place and not as people, not people like Robert Bourassa or Rene Levesque or Pierre Trudeau but people like you and me with kids and mortgages, people who enjoy a good hockey game or a couple of beers on a Saturday night. They share our values and our love of Canada and that is why we want them as part of our country. They are also people who have a culture different from any in the world, a culture that they want to preserve, a culture which they believe to be at risk.

In recent years, there have been significant demographic changes in the Province of Quebec. It is well known that the French-Canadian people of Quebec are having very few children. I suppose that it is only natural that if you grew up wearing "hand-me-downs" in a family of 15, you would be hesitant to trade the material benefits of having two incomes and no kids for the responsibilities of parenthood. However, who then are the Quebecers of tomorrow? Many of them will be new Canadians and traditionally new Canadians have chosen to learn English, rather than French, and to maintain their culture and their traditions.

The problem has only been exacerbated by the McLuhan Age in which we live. No longer can Quebec live in blissful isolation from the rest of North America. They are no less bombarded by American media and entertainment than we are. If you are going to listen to American music or watch American television shows, it is a safe bet that the English language and American culture will become more and more a part of your life.

The efforts of the Quebec Government to alter these trends have been wide-ranging but of questionable effect. First of all, they tried to ensure that immigrant

children would be educated in French. They now find that the language of choice of most immigrant children, even in the schoolyard, remains English. The Government has encouraged immigration from French-speaking nations, but the fact is that those immigrants share only the language and none of the culture of Quebec.

In his last Budget, the Finance Minister of Quebec offered to pay \$3,000 by way of a one-time tax credit for the third, fourth and fifth children born to a family. Now, as a father of four, I can tell you that \$3,000 would not prompt my wife and I to have more children than we would otherwise have planned. I anticipate the reaction of Quebec couples will be similar.

More recently, the Quebec Government came up with the sign legislation. Just how French signs outside and English signs inside will protect the French language, I do not know. It is a commercial reality, however, that merchants will deal with their customers in the language of choice of the customers, not the choice of the Government, no matter the sign on the door.

Taken together, these odd policies are the best efforts of a provincial Government that can think of nothing better to prevent the diminution of a culture that has existed in North America for 400 years. It is the hands of that Government and the people they represent that have reached out to us now for help.

The real question is not whether the "distinct society" clause overrides the language protection in the Charter of Rights. Similarly, the real question is not whether the Accord is a perfect agreement. The question and it's a question for all Manitobans is whether Quebec has the right to preserve and protect its cultural integrity. I don't believe that the diminution of the Quebec culture can be stopped by legislation, but the people of Quebec would like the right to try. It should be no big deal for us to recognize the obvious, that Quebec is different. It is a big deal for Quebecers. They want to know that at least they do not have to fight us anymore for recognition of their right to exist. I can only hope that the people of our province will seize this opportunity to be an instrument of national reconciliation and approve the Meech Lake Accord. Thank you.

Mr. Chairman: Thank you, Mr. Goodman. Any questions? Mr. Edwards.

Mr. Paul Edwards (Member for St. James): Thank you, Mr. Goodman, for your very interesting presentation. I want to turn to page 2 where you mentioned that in matters such as Senate reform, it seemed to you that they could be safely put over to a second round of negotiations. As I am sure you are aware, in the 1982 constitutional changes, the Natives were recognized in a fashion and the specific details of their inherent right to self-government were put over for five conferences. At that time, to have achieved that, would have only required seven out of 10 provinces representing 50 percent of the population. Those five conferences did not produce a satisfactory result to the question asked in 1982. Does that give you any concern when you make the statement about Senate reform being possible in a second round, when

unanimity will be required to in fact achieve significant reform to the Senate?

Mr. Goodman: I am aware of the difficulties with the Natives. As I understand it, a similar requirement exists at the present time with respect to Senate reform. The fact of the matter is it is very difficult to achieve Senate reform now. It will be very difficult after the Meech Lake Accord has been approved, should that be the will of the people. The fact is that if there is a national will, as I believe that there is with Senate reform, similarly as I believe there is with regard to aboriginal rights in this country, in due course these matters will be dealt with.

I don't know that it is significantly more difficult to require unanimity than it is to require seven out of 10. As I understand it, it works out to either or both of Ontario and Quebec. They are difficult tasks in either event. They are tasks that will require a national consensus and a national will. I don't know that the mechanism that would result after Meech Lake would be all that much more difficult than the very difficult mechanism that's in existence now.

Mr. Edwards: By way of supplementary if I can, Mr. Chairman, page 5 at the end, after speaking about the Quebec provincial Government's role in protecting the cultural integrity of the French-speaking people in Quebec, you make the comment, the people of Quebec would like the right to try to achieve that cultural preservation and promotion through legislation. I wonder if you have identified any cost to that of any other group in society, and in particular in Quebec's society, and I guess in particular the close to a million English-speaking people in Quebec or, as we have heard in the presentation just before yours, women throughout Canada and in particular women in Quebec?

* (2030)

Mr. Goodman: If we consider the situation as it exists now—but first of all, I should say with regard to women, I am not in making this presentation endeavouring to create the impression that I am insensitive to the concerns of women. They have been an endangered group in our society for a very long time and continue to be. As I understand it though, our leaders, including the former leader, the Premier under Mr. Storie's Government, and Mr. Peterson, also known as being an enlightened man similar to Mr. Pawley in these matters, they went along with the agreement. As I understand the reason they did was that they were assured that women's rights would not be subjugated as a result of the special protection in Quebec.

That is the kind of thing that I believe can be safely left to a second round of negotiations, because if there is the prospect that women's rights are subjugated to others, that their rights under the Charter are endangered, I think it is safe to say that in this country we are wise enough to correct that situation if there is a problem.

As for the matter of the English language minority in Quebec. Right now we have the notwithstanding

clause and the notwithstanding clause resulted in Mr. Bourassa being able to invoke the legislation that he has with respect to minorities. He invoked it with regard to the sign law. Of course, it was done much to the chagrin of many people in Canada but, as I understand it, a similar tactic was used by the Premier of Saskatchewan.

The fact of the matter is that right now there are those rights. There is no proposal, other than some general discussion, to withdraw or do away with the notwithstanding clause. The fact is, Mr. Bourassa has the right now; he will have the right later. So we are not really talking about a change, but what we are talking about is an assurance to the people of Quebec, the French speaking, the Quebecois of Quebec, that when they voted to stay in Canada as part of this country, they would be allowed to maintain their cultural integrity.

The biggest argument the Parti Quebecois has in Quebec is that we are trying to, through direct or indirect means, affect their ability to carry on their traditions, their language, their culture. The fact of the matter is, when the people of Quebec voted to stay in Canada, I believe they did it on the assumption we would not try to get rid of them directly either, similarly that we would not try to prevent them from dealing with demographic change and, therefore, get rid of them indirectly, but that we wanted them as part of this country, and we do, as far as I know. I believe everybody here does, but the fact of the matter is that they need a message because they are not sure. They went along with Mr. Bourassa, entering the disagreement.

Remember these are the people who, in large measure, voted for separatism and even though it is a vote to stay in Canada, had some reservations, but they thought they would give Canada a chance. In my view, this is the chance they have given to Canada, and this is why there has to be an expression of good faith.

The Premier of Manitoba, who is my Leader of the Progressive Conservative Party, has proposed a parallel Accord. I think that is a good effort, but the fact is that it still does not allow for the expression of good faith the people of Quebec are and have been looking for, because of the fact that they want us to say yes to them. They want us to demonstrate good faith, even if we say we might like this but only if we can get a separate agreement. We are still saying no to the agreement, we are still saying no to the protection.

The fact is we can carry on negotiations, not perhaps dissimilar to what we would do in the event the agreement was approved, and then there were subsequent negotiations or corrections or clarifications. The problem we would have is we would go to the table and be perceived as being lacking in good faith. There is nothing more important to any agreement than to trust. It is a glue of every agreement, including the Meech Lake Accord. If the people of Quebec view they cannot trust us any more, that we have not dealt with them fairly, that they have asked to have their right to carry on as a distinct society in this country and had that request turned down, I do not believe we will get a second chance. The fact of the matter is they will

perceive we breached that trust that is implicit in the Accord, as it is implicit in every agreement that is made between men and women. I am sorry, I carried on a little long.

Mr. Chairman: Any other questions? Thanks very much, Mr. Goodman.

Next presenter, Dr. F. P. Doyle. If you have just come in recently and you have a written brief to give us later this evening in oral form, would you be kind enough to give the written brief now to Ms. Greschuk, who is standing behind me. Good evening, Dr. Doyle. Please proceed.

Dr. F. P. Doyle (Private Citizen): Members of the Task Force, I thank you for this opportunity to speak to you this evening on this issue.

In making my presentation to the Government of Manitoba and to your Task Force on the Meech Lake Accord, I'd like to congratulate the Prime Minister of Canada, Mr. Mulroney, for his initiative in attempting to obtain for Canada a Constitution which is acceptable to all 10 provinces. The aim sought to bring Quebec into the Constitution by the Prime Minister, and indeed by the 10 provincial Premiers, is laudable. However, some of the means which have been used to seek that end almost yield the impression that what the separatists of Quebec lost in the referendum for independence would be gained through the Accord, while at the same time each of the other provinces of Canada would also become more independent of our federal system. Each province therefore becomes more powerful unto itself and at the expense of the federal power.

My concerns with respect to Meech Lake are the following:

In establishing a distinct society for Quebec, the French fact outside Quebec may be denied the opportunity to be ensured survival. As a Canadian, I believe in our bilingual multicultural society whose value and whose development is enhanced by having two official languages. In order to ensure this advantage, as well as the distinctiveness of Canada, we should not only maintain, but promote the survival and growth of the French language across the Nation.

Indeed this special advantage but reinforces, rather than weakens, the fabric and substance of Canada. The distinct society for Quebec as developed in the Accord yields also a distinct society for what is considered the rest of Canada, or English Canada. This two-nation concept destroys the vision of Canada as a truly national entity. Canada becomes a duality rather than an integrated bilingual society.

The next point is:

In addition to the veto of the notwithstanding clause by each province, which veto may itself deny human rights, there would be an additional veto by any province with respect to the Constitution, since unanimity is required for any major change in the Constitution.

Immigration powers would be bequeathed to any province so desiring, not just Quebec. This would represent a curious phenomenon for a federal nation.

Parliament would have the obligation to appoint members to both the Senate and the Supreme Court only from those individuals whose names are submitted by the provinces. Hence, a provincially dominated Senate and Supreme Court could ensue, but in any case this prevents future reform or changes in the Senate.

The health delivery system—and this is of most important—the health delivery system, as we know it, could be dismantled by the fact that each province could go its own way with little or no direction or standard from the federal Government, while at the same time receiving the compensation. Furthermore, any new social or other program could be established independent of the federal Government. Yet such programs could be compensable from the federal Government.

This opting out from the Canadian mainstream, I perceive to be a major flaw and a major concern for our future. In health care, it is already difficult enough with the present jurisdiction of each province to ensure a standard, universal, accessible, comprehensive and portable system across the nation. Those are the guarantees of our system and to have those guarantees extended or even kept maintained, we have to have some semblance of unity across the nation, not each individual province going its own way. To bring you to a particular indication of what I mean, one province could say, well, we'll have only nursing home supported. We'll support them well. We're getting money from the federal Government. Yet they might not have any opportunity for acute care in that particular province. This is absolutely ridiculous and this could come to that with this idea whereby there would be no overall unanimity with respect to health care.

Unfortunately, it would seem when all of these things are taken into consideration that the exercise of Meech Lake, rather than furthering our unity as Canadians, rather than making Canada itself more unified through a Constitution endorsed by all provinces, only accentuates the differences, separates us still further and tends to engender the disintegration of the nation as we know it, a nation which should be our pride, our joy, our security and our love.

I am for Manitoba, I am for Quebec, I am for all citizens of Canada and for the French fact and its promotion. I am for Canada with all its good and even with its blemishes. I am also for any Accord which can further the development of our Constitution and protect the basic rights of all citizens of Canada, but I fear that the Meech Lake Accord, despite its professed aim, which is good, is a source of division, rather than a vision; a source of anxiety, rather than of security; and a source of loss, rather than of development.

Though Quebec may gain through some aspects of Meech Lake, French Canadians outside of Quebec could lose, Canada could lose, and in fact Quebec could lose

by becoming a still smaller element in the huge cauldron of English North America. Indeed, the people of Canada and their heritage, in my view, are poorly served by Meech Lake.

The concerns which I have expressed I believe to be serious and affect all provinces including Quebec, but the commitment of all provinces and of the federal Government through the Premiers and the Prime Minister of Canada has now produced such expectations in Quebec concerning the provisions of Meech Lake that any change of direction respecting the Accord may be virtually impossible without serious consequences to the unity of our nation.

Although I believe in principle that Manitoba should vote against the Meech Lake Accord, I also believe that with the commitments already made and the expectations already developed that the ability to refuse the Accord is conscientiously very difficult. Hopefully, in a spirit of understanding and of love for the basic elements of our Canadian society, one last effort can be made at least to improve the agreement by amendments which would address at least the more important of the major concerns such as:

- Guaranteed protection for the basic human rights of all Canadians.
- Guaranteed opportunity for the development of the French language, not only in Quebec but outside Quebec.
- Guaranteed basic national criteria and standards for a national health care system which, though having provincial jurisdiction, would have compensation based on such guarantees.

I thank you.

Mr. Chairman: Thank you. Are there any questions?
Mr. Praznik.

• (2040)

Mr. Darren Praznik (Member for Lac du Bonnet): Mr. Chairperson, a very brief question of clarification for Dr. Doyle, I was quite interested in your comments about the issue of health care systems and your example of a provincial Government choosing to fund personal care homes versus acute care. Given the fact that health care is in provincial jurisdiction now and given the fact that the Canada Health Act does not prescribe how a provincial Government spends its dollars within that, my question is really twofold. What protection do we have now from what you are saying is happening, or are there examples that you can point to where that kind of problem is occurring now in the country? Or two, are you advocating that we should be giving up more provincial jurisdiction in health care to the federal Government? I am not quite sure what your point is.

Dr. Doyle: Quite frankly, to your second question, I would agree if that were possible, but that is not possible. To the first question, there are guarantees now. There are four guarantees that each province has to accept before it receives any monies from the federal Government. It must be universal, it must be

comprehensive, it must be portable and it must be possible to obtain. It has to be accessible. Now, you might argue that we see some of these values being deteriorated recently, but these are the guarantees that have existed ever since 1957 when the Act was first promulgated.

Mr. Praznik: Just a very brief supplementary, are there specific instances in the country today where you can point to that balance being out of kilter in any specific province, where you have that kind of example you referred to where funding a perfect system of personal care homes but no acute care?

Mr. Doyle: As a matter of fact, when the insurance system was begun—and it was begun as an insurance system and, had it remained as such, I think we would have had a successful situation even at the present time because, as you know, an insurance system, the benefits depend upon the premiums or the taxes obtained to support it. What has happened over the years is that each province has gone a little bit differently in certain directions. For example, in Manitoba we have personal care home which is supported by Government, which is a good thing but that costs money, and those monies were not supposed to be for that at the outset of the program. In other words, these are things that are added.

For example, Pharmacare, that was not there and it has been added, a good thing. But all of these things cost money, and all of these things must have some standard in order that right across the nation everybody can say we enjoy the same opportunities. We can get into acute care when we need it. We can have an operation when we need it. That is something that is gradually deteriorating as the situation evolves, and actually with the Meech Lake Accord that could go out the window.

Mr. Edwards: Dr. Doyle, I just want to ask you briefly and I don't want to get too technical. I don't know if you have a copy of the Accord in front of you. On the first page, you made the point that you preferred Canada to be an integrated bilingual society. Looking at paragraph 2 of the Meech Lake Accord, sub 3, Quebec has the role of preserving and promoting the distinct identity. When you go up a sub-clause to sub 2, the Parliament of Canada and the provincial Legislatures have only the role of preserving the fundamental characteristic, which includes French-speaking Canadians being also present elsewhere in Canada. Would you be satisfied with wording that changed that to preserve and promote for Parliament and the rest of Canada?

Mr. Doyle: I think it says something about "existence of," which is really not sufficient. It has to preserve and promote. Otherwise, it is gone.

Mr. Edwards: Thank you.

Mr. Chairman: Any other questions? Thanks again, Dr. Doyle. Mr. W. J. Rettie.

Mr. W. J. Rettie (Private Citizen): Mr. Chairman, Members of the Task Force, might I open by saying I

wish I was possessed of the eloquence of the last speaker. I can almost say, let him speak for me in most respects. However, I have put a little time into this. I would like to be myself.

Mr. Chairman: Sir, would you just pull that contraption—that is good, that is better.

Mr. Rettie: How does that grab you, okay?

If someone is keeping a boxed score, I am fundamentally opposed to Meech Lake as it exists. My reasons are, initially the method by which it was arrived at I find offensive. I believe that a Constitution is the basic law and the statement of principles on which a nation and organizations generally rest. In a democratic society, it should be the people's document with its guarantees and its limitations equally applicable to the governed and the governors. It does not have to be filled with the minute details of day-to-day existence, hopefully could be eloquent also. Certainly ours is not.

We in Canada, as individuals, have not served ourselves well as writers of Constitutions. We have tended to rely on our elected Members to protect our rights as individuals. I expect that was an error in many instances. I cannot recall who said, "war is too important to entrust to generals." I have certainly reached the conclusion that Constitution-making should not be left to politicians, and that we can also go on to Lord Acton's observation on power, however, perhaps it is not necessary.

Twice in the past decade, I think we have been rather poorly served. The first, Section 33 of the Charter. Maybe we in this province can take some sort of perverse pride in claiming this is western Canada's contribution to the democratic process. I do not have very much pride in it. Recently, we had the Prime Minister become aware of its existence. He now informs us the Constitution is worthless. Is that why we are supposed to accept the second disservice of Meech Lake as a "done deal," to quote him?

From the very beginning, this Accord appears to have been treated as a deal, a deal between First Ministers, a deal with profound implications, which was not to be amended but to be rubber-stamped by the legislators. The real misfortune is that, on balance, the elected Members in eight provinces and in Parliament have done just that. They seem to have acquiesced, with little real debate, and the citizens per se have tended to be ignored.

* (2050)

It is the deviousness of this process that offends me. It resembles a cheap late movie—11 little men skulking about in the dark cutting a deal, presenting the Legislatures with an unamendable fait accompli with instructions to pass it, and they did.

Had this Accord been arrived at openly, honestly and with free votes in the Legislatures after an open debate, I would not be here—like it or not, I would have accepted it. I found it very distasteful in so many ways, and now the threats that seem to be coming our way from Ottawa and occasionally from Quebec City, that

failure to pass it will set the nation asunder, I find that somewhat difficult to accept.

There are those who have said it is flawed; it is. It is as if one had bought a nice brand new radial tire and it was flawed; it has got a little hole in it. You put it on your car, it is only flat on the bottom, most of it is okay. No, the Meech Lake Accord has to be cast aside and something far better done in its stead.

We are told the Accord is supposed to bring Quebec into the Constitution. Certainly, it is preferable that Quebec sign the Constitution, but I do not believe that it is outside. It has, on more than one occasion, invoked Section 33 of the Charter which seems to indicate to myself, at least, that it accepts it. It does not like it; it accepts it. What we have done in this Accord is go somewhat, perhaps far beyond Quebec's need but, at the same time, we substantially reduce the strength of the federal Government in favour of the provinces, probably to a dangerous degree.

To recognize the distinctiveness of Quebec is very easy; it is distinct. Just to refer to that is trite. So what should the clause do? I am not certain. Just speaking now of the "distinct society" clause, I must certainly have inferred from Premier Bourassa's remarks that he believes the Accord will effectively nullify the Charter in Quebec. If this is so, Quebec, meaning the Government requires the power but Quebecers, the individual citizens, lose their rights as Canadians. It may please the Premier or Premiers generally, that they now have more power than they had. Why should 25 percent to 30 percent of the population of this country be deprived of the rights—and presumably they are real—that exist in the Charter and that is regardless of Mr. Mulroney's observation? I think it has some real value.

The other thing is, what precisely does the interpretation provision mean to all of us? I have read, I have listened, I have watched. I have not found out. Perhaps I can be enlightened this evening as to just what it will do. It seems to me as a bare minimum this "distinct society" clause, as such, should be amended to make it very clear the Charter of Rights is applicable across Canada.

To take the question of immigration, I understand the concerns of the people in Quebec for the preservation of their language and their culture. We live in an ever-changing world, and I wonder if these proposals regarding immigration will provide the protection they desire.

It goes a little beyond that too. How can Ottawa guarantee the Province of Quebec will get a proportion plus 5 percent in any year, and at the same time make provision for other provinces having a similar degree of latitude or similar arrangement? Just imagine if Ontario, B.C. and Alberta, to pick three populous and growing provinces, cut a deal with the Prime Minister. I mean, he likes to cut deals. If they are all proportion plus 5, somebody is going to suffer an arithmetic hernia, if nothing else, because I do not know how you are going to make it happen unless, of course, the rest of us are not to be permitted any immigrants, something of that nature. It is just a confusing thing. To me, it is

the price of doing deals in the dark. It was put it in, somebody wants it. It was ill-conceived; it was not thought out at all.

Then, as part and parcel of the immigration thing, is the withdrawal of service provisions to new immigrants into the Province of Quebec to be handled by the province. Is this not a case then of Canada denying rights to certain of its future citizens which are available to others? Are these people ultimately to become Canadians or not? If so, why should they be denied these services? It bothers me.

Dr. Doyle stated it far, far more eloquently than I can. The question of minority languages and language rights, they must be protected. There is a great deal of difficulty in protecting these rights. To me, is Canada a bilingual country? I want it to be one. I am a former resident of Quebec, and spent 10 years of my life there. I have too many friends and family connections.

Fundamentally, this protection of minority rights should be a federal situation. I know, the old BNA in '91-92 set up property and civil rights provisions which have carried on and carried on, making it practically impossible to do so, notwithstanding that. I think it is worth trying because I do think that the 1982 constitutional Act with all its weaknesses and so on did set us on a kind of a rocky road to becoming a bilingual nation.

What this thing is going to do is put us back with McLennan's "two solitudes," or "deux nations" of somebody else, and Lord Durham will be right—two nations worrying what is in the bosom of a single state or whatever it was he said.

We have to protect the rights of all our French-speaking citizens and, on occasion, the English-speaking citizens in Quebec, although really they do not have much of a problem when you get right down to it. Given the size of Quebec in the French-speaking community in this country, it will, it has to play a part in protecting those rights.

I am not a constitutional expert. I am not just too sure how that should be done, but we have to do more than pay lip-service to it. I do not think we can just turn the question of French in Canada over to Quebec and ignore it. I mean, let us face it. The record of most other provinces in this country in protecting the rights of the French language majority is pretty pitiful. Look at Manitoba's 90 years. It is really in the past 18 months the action of Saskatchewan and Alberta, when somebody blew the dust off the old Northwest Territories Act, they quickly took care of the French rights they thought were there. It has to be something other than a provincial responsibility; provincial powers are more what people want.

Then there were the other items in the Accord, which still do not reflect to deal directly with Quebec and deal with the other provinces. Few of them really deal with Canada. They deal with these 11 little, or 10 little balkanized statesmen they have. The Supreme Court, it's just a federal Court, it's a Canadian court. I think that the federal Government is perhaps wise to seek recommendations from provincial Governments and

accept them or reject them, but it shouldn't be obliged to do so. Its job was to select the best people it can find.

• (2100)

The Accord provides for an obligation to accept names submitted by the Quebec Government. I think that is foolish. What if the Parti Quebecois should be returned to power? It would have been very interesting—the Supreme Court of Canada—I expect after those appointments, to sit in place. I mean, it's not correct. It's the Senate until such time as we do a total revamp on the Senate, I believe the appointments should be left as they are. This, putting them in the hands of the provincial Governments, I think, assures us we will have very little likelihood of getting out consequential change in the Senate. Why in the world would Mr. Peterson in Ontario give up the opportunity to appoint 24 people over a period of time? I mean these are plum patronized deals, and powers are—I rather expect Mr. Filmon would like to be able to appoint his six and Mrs. Carstairs, in time, will probably get an opportunity to do the same thing. Giving away my political thinking.

But the shared-cost provisions, no. This is just going to balkanize a country the way they are. Probably we need some flexibility and there should be some means of working this, but no province should be permitted to do anything other than carry out the programs which are fundamentally the same as the federal Government is advancing. The CPP and the QPP are pretty good examples. In fact, given the method and the manner in which the QPP has been administered, which is far superior to CPP's handling of money, I wouldn't mind some provincial action on certain of these things.

The question of conferences of an economic nature on an annual basis, no. Let's get the Senate strength. Let's let the Senate become the voice of the regions, the voice of the provinces.

As for the amending provisions which have to be unanimous by all provinces, we are just going to freeze the status quo. The world will not be allowed to change again. I mean in federal states, it is normal for the pendulum to swing on some sort of a basis whereby the provinces have the power in one decade and it flows back to the federal Government in the next. With this type of situation where the provinces can veto changes in new provinces, in the Senate and so on, we will be frozen the way we are. There will be no room, there will be no flexibility, no maneuverability.

I think it was Poland in the late 1800s, they had something what they called "liberum veto" or something to that effect where they had a 100 percent acceptance in their House of Parliament. Ultimately, it collapsed into total chaos. It could never get anything done. I think we are doing that.

As to these ongoing constitutional conferences, no, they just don't belong there. Can't you imagine fish in a Constitution? I mean, I've never seen them quite so silly in all my life, particularly if it gets a day old. I mean, good heavens. What do we do? I'm not a constitutional expert, as I said before, but forget the parallel Accord, I think it's an unworkable thing.

To me, we have one of two choices: We would reconvene a constitutional meeting to deal with, No. 1, Quebec's concerns. It has some legitimate and valid concerns, and let's deal, let's cope with them, let's handle them. Not make them part of a trade-off, part of a deal. We may even have to give Quebec some extra powers to take care of its peculiar problems of cultural protection. Those are very real. They are very valid and I could not be hurt by them. Let us work out a basis for an effective Senate. Let us quit the jingoism and the Triple E. You know, it reminds me of the old Super Suds ads, "super suds, super suds, lots more soap with super suds," something like that. Well, now, we are Triple E, Triple E, lots more fun with Triple E and me, something of that nature. Let us forget that.

Let us get down and do some work, or just let Meech Lake lapse next year and start all over again, 18 months, two years from now, whenever it is to be done. But at any rate, let's make sure that all of them are done openly, no more pussyfooting around in the dark. Let us have these kind of things in every province. Thank you, sir.

Mr. Chairman: Thank you, Mr. Rettie. Questions? Thank you again, Mr. Harold Brown. We are still hoping to hear 10 more tonight, ladies and gentlemen, so any presenters who would like to slice pieces off their presentation judiciously are most welcome to do so. How do you like that as an intimidating remark, Mr. Brown?

Mr. Harold W. Brown (Private Citizen): Thank you, Mr. Chairman, Members of the Task Force, ladies and gentlemen, as a long-time senior citizen, born in Manitoba and still resident here, I wish to make my assessment of the Meech Lake Accord quite clear. I believe it should be scrapped and abandoned. My reasons are based on the lessons I learned in 65 years of accounting and business. I lived through depressions, dust bowls and the war, and still enjoyed a very good life and some very good times.

I believe that matters affecting the Constitution, the Bill of Rights and the landmark decisions of the Supreme Court should never be decided at an all-night session, regardless of how exalted the status of the participants. In my opinion, such matters should only be amended after serious consideration on an all-Party basis arriving at a clear consensus. This Task Force is an excellent example of ascertaining a clear majority view. I believe that our Constitution, Bill of Rights and court decisions deserve more respect than they received in the Accord.

The resemblance to a poker party, and I have been to many of them, is quite startling. Thinking of it in those terms can simplify a complex deal that has been nearly buried in millions of opinions and words. It is evident that a couple of players were pros but the rest were amateurs at that level. The progression of the game is not known but the final results are the Accord. In it, the provinces have acquired a lot of chips of very doubtful value. The pros, the host and Quebec have acquired all the high value chips they want.

The pros went home rejoicing and lost no time in utilizing the results. The amateurs went home to explain

they won a moral victory. It didn't take too well as subsequent elections have indicated a general dislike of the Accord. The pros have stated the Accord is written in stone, not a comma can be changed. I'll agree the Ten Commandments should stand as is but it is hard to visualize the Accord having an equal status to that.

Decisions made to meet deadlines unexpectedly have, in my experience, either fallen apart or had disastrous results to one Party. What were the chips in this game? One was that each player received a veto, a big chip to those who intended to use the veto but a tiny one to those who believed in a united Canada. As it stands, it seems to have no limitations. In fact, one player indicates it's over the Constitution, the Bill of Rights and the Supreme Court decisions. All the vetoes add up to a blank cheque to stop any progress towards Native rights, to land claims, Senate reform, women's rights, seniors' protection, possible new provinces and national parks. With 11 people having a veto, it is hard to imagine anything going through.

* (2110)

Another small chip is the right to prepare lists for the P.M. to use in making appointments, possibly a little patronage but not much else. Another chip, probably the biggest, is to allow the provinces to opt out of national schemes, but paid to handle their own version of that scheme. I look on this as a blow to unity and a possible source of immense problems.

A closed meeting of major politicians is good and necessary, but it should be to coordinate attacking problems and to decide on unity in governing under the present rules. Such a meeting should not be for the purpose of changing the rules. Changing the rules should be in the public domain. Meech Lake was an ideal place to have coordinated some defence against the massive and ever-growing debt of the country and the provinces. It is far more important to my mind than anything in the Accord. These debts threaten our way of life and our future in competing in a tough world.

Murmurs from every part of the industrial world are beginning to understand that high interest rates are self-defeating. They vastly increase inflation by increasing the profits of banks, financial houses and investors. They create a great hardship to all who utilize credit, through bankruptcies, unemployment and depression. Government debt rises with increased debt servicing and essential subsidies that are caused. Mr. Broadbent in his April 5 speech stated that Government debt rises about \$1.5 billion for every point increase in the Bank of Canada rate. Mr. Manness in a Free Press interview claims every point cost Manitoba \$40 million. I think both these statements are estimates, but I also think they are fairly close.

On that point I have a quote here. Mr. Allan Taylor, chairman and chief executive officer of the Royal Bank of Canada, reported the strongest quarterly net earnings in the bank's history. Earnings for the first three months of 1989 were up 75 percent. This is high interest rates.

I have a few Canada Savings bonds myself. I just made some unearned money as the Government raised rates so I won't cash their bonds—all highly inflationary.

The last few remarks are not truly applicable to the Meech Lake Task Force. There are many alternatives to high interest rates and many alternatives to correcting the overuse of money and Meech Lake is where possibly they should have been discussed.

I will close by a comment from Paul Lond, an economist, which is quoted by the New York Times: "High interest rates and slow growth reduce inflation the way that chemotherapy works on cancer. It kills the good along with the bad cells and makes the patient dreadfully sick. Physicians to their credit are trying to find the therapy that will kill cancer cells without killing the patient. But America's policymakers on economic matters have not made the same intellectual leap."

Thank you, gentlemen.

Mr. Chairman: Thank you, sir. That was a crafty little kicker at the end, not on Meech, but on a basic economics lesson. Interesting.

Any questions? Thanks again, sir.

Mr. Anthony Sibley; Mr. Mike Sangster; Ms. Colleen Wilson.

Ms. Colleen Wilson (Private Citizen): Good evening, bon soir.

Mr. Chairman: Good evening to you, Ms. Wilson.

Ms. Wilson: Can you hear me okay?

Mr. Chairman: You're doing very well, thanks. If you lean fairly well into it, it will help the audience.

Ms. Wilson: I would like to thank the committee for allowing me this opportunity to appear. I am always nervous, despite the number of times I have done these presentations, ever since my first presentation at the age of eight at school, giving what I call my first pro-Canada speech in honour of Centennial Year. I am still nervous. For my friends back at home who are now watching and my Francophone relatives and friends, I apologize I won't attempt to speak French, although they have heard me speak French and are probably grateful that I won't try.

The Accord I address in my brief, it's rather all over the place and I apologize if any typos have leaked out of my word processor but, having the name Wilson, I just thought maybe I could just go ahead with what I've got anyway.

You may also note that the Accord mentions specific concerns. I do wish to point out that I have concerns about all of the clauses. For time and clarity I've just centred on a few. I would like to say "Hi" to Darren, an old youth parliamentarian friend of mine. I was a member of Youth Parliament and he was a youth parliamentarian.

I believe this Accord affects all Canadians, and I speak not as an expert, political hack, Premier or Prime Minister, but as an ordinary Canadian. I am speaking now because of a rare occurrence for the ordinary Canadian—I was asked.

This is how I commenced my presentation at the New Brunswick hearings on February 9 of this year. Because of the lack of public access to the Meech Lake process, I had to take this opportunity at New Brunswick, which is so rarely available to Canadians, to submit a written brief to the New Brunswick Legislature. In response, I was invited to present my brief, of course at my own expense. As a student, I certainly could not afford to go, but I felt as a Canadian I could not afford not to go.

I had been on your original list for your original hearings in Manitoba, but after Mr. Filmon's miraculous turnaround on the issue the hearings were cancelled. Incidentally, the New Brunswick MLAs were quite amused at Mr. Filmon's sudden emergence as a defender of minority language rights, as well as several Quebecers I met on the plane, both Anglophone and Francophone.

One does not need to be a genius to see the Premier's moves at the present time as being purely political. Unless there is a true meaningful attempt to rectify—and I doubt if this is even possible—and carry through on repairing the defects of Meech Lake, it will go down in history as such, and I say this whichever political Party would form if there was a provincial election before June 1990, whoever forms the Government.

It will amount to little more than superficial politics, instead of a wonderful opportunity to stop the steamroller Meech Lake process and to allow for time for proper study and consideration of the Accord. I believe Manitoba should not shy away from discontinuing the Meech Lake Accord process, in other words, not going forward with passing the Accord in its present form.

Quebec, in previous constitutional discussions was not called anti-Canadian when it walked away from the table because its demands were not met. I feel if it means a better Accord for all Canadians, then by all means let's walk, maybe even run, from the table.

The Manitoba Legislature could use submissions at these hearings as a basis for a full, fresh open discussion of constitutional reform that would attempt to address Quebec's concerns but, at the same time, promote national unity, respect for minority and individual rights and the aspirations of all Canadians.

I am not going to exactly follow my brief. I would just like to say that some concern has been expressed at these hearings—I heard earlier Mr. Riley's submission—that we would be regarded as spoilsports and perhaps bigots should we fail to proceed on the Accord. I feel that people at these hearings are entitled to their opinion and entitled to express it. I feel that energies might more constructively be spent on looking at the flaws of the Accord and dealing with them in a responsible and mature manner.

I would also like to point out that Francophone groups, the SFM, has mentioned some concerns, prominent Francophones, Monsieur Trudeau, Monsieur Chretien, have pointed out flaws in the Accord. Aboriginal groups have pointed out flaws in the Accord and I don't regard these people as bigots. It is an interesting thing to note

that where else could you find Monsieur Trudeau and the Reform Party on the same side of this issue if, in fact, there's just enough in this Accord to offend just about everybody. So I would ask that the committee and whatever Government deals with this issue be sensible. Even the Prime Minister and Members of his Party have acknowledged the Accord isn't perfect. What is needed is calm, rational discussion on the Accord with suggestions for improvement.

* (2120)

There has been some talk of a companion resolution idea. I am not in favour of that. I would like to see the whole Accord scrapped and start from the beginning, using these hearings and other hearings that have taken place as a basis. I believe a dangerous game may be played with the companion resolution idea. I was asked extensively about the companion resolution idea in New Brunswick, as were other people who presented. I feel Canadians are most upset with the way the Accord was developed. To take part in dealings behind closed doors for a companion resolution is to continue the undemocratic process.

Quebec, the Prime Minister and other Premiers have indicated no changes are to be made to the Accord itself. Amendments to the Accord, if allowed, must not be so strong as to defeat the original resolution. In other words, I just see so many procedural problems with this. I list in my brief what would happen if you had a companion resolution, how you would proceed on it, the problems you would have with it.

I think it is ridiculous of anyone to deny that Manitoba will not or has not been subject to federal pressures, for example, the Winnipeg Free Press article in *Le Devoir* about money being available to the province; the Throne Speech, originally we were not going to hear anything about the Meech Lake Accord. All of a sudden, coincidentally after a visit by Senator Lowell Murray, it did appear in the Throne Speech. The comments by Gerry Weiner to the SFM are nothing less than reprehensible. I do know of at least one person and a second person now, a Conservative, who have expressed concerns about even coming forward to these hearings for fear of losing federal grants to groups they belong to.

There was fear in New Brunswick as well that McKenna would cave in to demands and pressures from the federal Government. With the election of Mr. Wells in Newfoundland, there were even less thinly veiled threats from the federal Government. It has been said Quebec "will not sit quietly in the corner" if Meech Lake dies. However, this is really nothing new as far as I can see. I am quite familiar with that.

I believe the Accord is not a good deal for Canada. From the beginning the Canadian public has been stifled in its attempts to learn more about or be critical of the Accord. I am not surprised at you not getting that many people out up North. It has just been incredibly hard to get information out to people, to get people out to hearings.

The meetings leading up to the Accord were held virtually in secret, with very limited input. The

undemocratic process continues with the First Ministers' conferences in the Accord. It has been presented as an unalterable package. In its report on the Meech Lake hearings before the Senate, the Senate concluded the majority of witnesses were in favour of some amendments or changes to the Accord, yet was left as is, page 28 of the Senate report.

Once passed by all provincial Legislatures, I believe it will be impossible for any Government, provincial or federal, to really address any changes. The public has had a difficult time in expressing opinion, especially if contrary to the Accord. Hearings are few. Most provinces have ratified this Accord without any. The hearings before the House of Commons-Senate Joint Committee would have been regarded as humorous were it not the Constitution and the country's future at stake.

I also wish to point out that when I was to appear in New Brunswick, I sent in my brief with no intention to appear. I was given four month's notice. I was told the exact day and the exact time, and that is when I showed up, and that is when I went. Here, they are giving 48 hours' notice. I just want to point that out. I do not know if there is anything to that. I hope not.

I believe Canada's fate lies in the hands of our two provinces. Hopefully, we can use the time that has elapsed to carefully consider the pros and cons of the Accord, a process not applied at Meech Lake. This Accord involves much more than just getting Quebec symbolically, as you well know, into the Constitution. It goes farther, much farther than even Quebec had asked, and the price for signing, I believe, is too high.

The Constitution is not a labour contract. It is a document that states what a country is and what it will be, viewed through the eyes of its people. It should not only reflect what the reality of Quebec and Canada, including Quebec, is today, but also what reality we see for our country tomorrow. If it is so delicate a document that even the slightest change will result in its destruction, then it is not a Constitution worthy enough for this and future generations of Canadians.

I do list in my brief specific concerns on the Accord. The distinct society, if you want a summary in a sentence, I believe nearly entrenches separatism. I believe the women's groups, when they spoke earlier about it having an effect on their rights and on other rights in the Charter, have very real concerns.

A "distinct society" clause cannot come into being without eroding equality provisions of the Charter. Premier Bourassa has stated the "distinct society" clause would allow him to do the same thing. In fact, when he visited the University of Manitoba, we asked him, "Why won't you include something that says it will not affect the Charter of Rights?" He just answered, "Well, my experts, they say don't worry about it." Well, this is not a Constitution for Mr. Bourassa, for Mr. Filmon, for Mr. Mulroney, or for any experts. It is also a Constitution for all Canadians and for all people. If it would make me, as an ordinary Canadian, feel more secure, and if it really doesn't affect rights, why not include it in? I also note that in the immigration clause such a provision was attached.

I was disgusted by former New Brunswick Premier Hatfield's comments in Macleans to Mrs. Carstairs that suggestions the clause overrides the Charter is "a pretty insulting charge based on no evidence." I would think that the actions in Bill 178 with Bourassa and in Saskatchewan and things like that are evidence enough of the damage that could be done by the Accord.

I also live in St. Boniface and I have talked to many, many people on an individual basis, and I believe that few Francophones really support the Accord.

I would also like to note that when Bourassa visited the University of Manitoba, he condescendingly addressed the Chief of the Peguis Indian Reserve's comments regarding his "distinct society," with veiled threats. He said that Quebec "would remember" aboriginal opposition to the Accord, and aboriginal self-government "would now be even harder to get after Meech Lake." The Canadian people's concerns about this clause have been continually labelled as "doom-laden", "worst-case scenarios," "whining" and "anti-Quebec." They are more properly viewed as responsible, mature and pro-Canadian.

I also list problems with the spending power provisions, that the clause deals with opting out, not opting in. The division of powers has definitely been affected as there is only so much power in a federal state. To enhance the powers of provincial Governments means there must be inadvertently, or otherwise, a decrease in the power of the federal Government. How exactly does a weaker federal Government make for a stronger Canada?

As a nurse working for a number of years in the community health field, this provision also causes me concern with regard to whatever new programs need to be developed. When I graduated from nursing nine years ago, I had never heard of a disease AIDS. Who knows what is coming down the pipe for us in the future that needs some national input of energy?

I have offered suggestions after each of these, suggestions for improving the Accord.

Senate provisions, I will probably leave a lot of this to Mr. Asper who is speaking later. I do believe with the unanimity provisions that we will not get Senate reform. The Accord promises First Ministers will discuss the issue and, as already mentioned, the aboriginal people have gained nothing by discussion.

In conclusion, if I may just have one more minute, that the Accord is not perfect has got to be the worst excuse I've ever heard. I could literally scream the number of times I have heard it from various people. Our concern is not that the Accord is not perfect, our concern is that the Ministers failed to do their best for Canada and for Canadians. We are not asking for perfection, we are asking that you do the best possible job for Canada and for Canadians. It is here that they failed. I believe it betrays the notion that Canadians see themselves as Canadians first and foremost. It is sad I have to remind people that the Constitution belongs to them, not just to Premiers and Prime Ministers locked away behind closed doors. Politicians have mistaken Canadians' trust and patience for apathy

and ignorance. Canadians are an intelligent crowd and responsible people and I believe they deserve better than this Accord. Thank you very much.

Mr. Chairman: Mr. Edwards.

Mr. Edwards: Thank you, Mr. Chairman. Ms. Wilson, let me start by congratulating you on your presentation. It is very thorough and very impressive and your commitment to this issue is very impressive as well. We look forward, I think all of us, to reading it in more detail, and it is unfortunate that you had to skip over some of the parts.

Ms. Wilson: They teach me well in law school, my brief is anything but. Sorry. Any questions you have, I will be happy to answer.

* (2130)

Mr. Edwards: I just wanted to know, with respect to—and you make many comments about the need for more than the people who decided what this Accord would be to have input into it. Do you have any thoughts on the process of Constitution-making and how we, as a country, can make Constitutions in a better way? Are these public hearings? You have used these public hearings in two provinces. Are they the way we should be going as a nation to build a Constitution?

Ms. Wilson: I think they are. My concern is how they are conducted. If you are going to have a public hearing that is manipulated, that the speakers—as it was with the House of Commons hearings—select groups of witnesses where people are picked and chosen how to appear, your time is limited, you are rushed, then I would say that is just sham. You are just wasting everybody's time. If you are talking about full, open and frank discussion, where people are allowed to air their views, be they right or wrong as Canadians, I think this is something that should have taken place before Meech Lake.

Mr. Chairman: I just had one comment, if I may. Ms. Wilson. I want to reassure you the 48 hours' notice was not, in any way, a cynical attempt to limit process. I do not wish to sound defensive. We are hearing over 300 witnesses in Manitoba. In New Brunswick, they heard 112; in Ontario, they heard 118. We are choosing ours by lottery, of course, the only province to do so, and the only province where there has not been some form of selection of some sort. That, unfortunately, means we have to leave decision-making fairly close to the time. I assure you it is our desire to hear everybody, to read everybody, and that is what we are doing.

Ms. Wilson: While I appreciate your comments, I have to say I generally distrust politicians, bottom line. I am sorry, if you prove me wrong, I will be really happy. Thanks for your comment.

Mr. Chairman: Thanks very much, Ms. Wilson. We are going to take a break now for 15 minutes. Ladies and gentlemen, we'll be back at about quarter to 10 p.m.

RECESS

Mr. Chairman: Our next presenter is Mr. Jonas Dubas.

Mr. Jonas Dubas (Private Citizen): That is Dubas.

Mr. Chairman: Sorry, sir. Thank you for the correction.

Mr. Dubas: As long as you will forgive me for all the corrections that will be necessary in the back half of my brief. I was a little rushed putting it back together. Perhaps it was the subject matter that influenced me.

Often people talk about Government and they often say very rash things. They often get caught up in the moment. You know, it is those people in Quebec, they are hurting us or those politicians are taxing me again. They do not know what they are doing. Very often, we lose focus on what it is we that we are talking about. Perhaps a good way to then discuss political things is to focus on the things that are in common to people. Perhaps the most common unit is the individual. It is something we all know and all Canadians respect their own integrity and their own value in their society. This fact has even been exemplified in Section 7 of our Charter where we talk about the right to individual liberty.

However, as societies become more complex, individuals have had more demands made upon them. As a result, they have to form themselves into groups to achieve their ends. The attraction of this type of relationship has been known since the earliest times. It has its basis in the family and the tribe, ultimately in the nation state. This is the basis of the state's authority. Each individual gives a portion of himself to the state, and in return they gain a level of security, and they can enhance their own individual potential. They have freedom of action in the areas they do not give over to the state and regulated action in the areas they do. This is a concept known as the sovereign or the sovereignty, the ability of the greater whole to impose itself on the individual for the greater good of that individual. This is exemplified in the Reasonable Limits Clause in Section 1 of our Charter.

* (2150)

As we are all born into a given society, often we forget that individuals were the basis of society and that societies just do not exist. To counter this tendency, we have enacted a series of laws in a Constitution which reminds us of this, and remind those who wield the power of the sovereign of this fact. These laws exist in a division of powers which distribute the powers between different levels of Government, allowing for regional differences and also in a Charter of individual rights which create an area in which no Government action can interfere.

The proceeding seems to illustrate the individual is of supreme importance. Therefore, any change to that fundamental Constitution should be based upon an improvement of the individual. This improvement would have several characteristics.

1. The chosen change should maximize the

participation of the individual in that change as it is altering their fundamental relationship to other individuals.

2. The change should not detract from the ability of the individual to effectively participate in the group and make reasoned decisions.
3. As well, the change should not detract from the equality of individuals because if it does so, individuals will want to leave the group. The group will then become less strong and individuals will be less able to achieve their ends.
4. The change proposed should foster communication between people so that they can understand each other and better achieve their common goals.
5. The change should promote unity within the group to also strengthen the ability of people to achieve these goals.

Using this framework, we can look at different provisions of the 1987 Accord. In the unanimity provisions, virtually all the clauses that deal with the distribution of powers between the federal Government and the provinces will now be subject to unanimous amendment. Many people hoped that in 1987 we would have seen an improvement over the things of the past. The imposition of 1867 of a foreign Legislature or the imposition of 1982. Little did we know that 1982 would be the glory days of constitutional reform for Canada, when a central Government said to itself, yes, I have the legal right to do something but I will not do it. There is a convention then, I will make changes, so provinces got more powers in areas of resources and individuals also got changes in terms of guarantees for women and Native people, in comparison to the '87 process where we said that there will be no changes, that the changes aren't required.

Further, it was often said that there was no process to start with. This was said by Leo Duguay in a town hall meeting on CKND TV. However, a lack of process did not stop that same federal Government from discovering a process for capital punishment which was very intricate, which had an initial proposal involving the concept itself, and then would send a committee across the country to discuss which crimes should be the subject of capital punishment. All of these things seem to violate the right of the individual to participate in the process and to effectively judge what is going on.

Further, the lack of the concern for the aspirations of individuals and the elitist nature of the process itself leads the concept of society and the values and document to be questioned because they are seen as something that has been imposed from above. To solve the problem, there has to be a process of legitimization of the Constitution.

It is submitted that after whatever changes this committee proposes and brings forward, it ultimately comes to a resolution with other provinces that the Charter and those changes should be given to the people for ratification in a referendum comprised of

50 percent of the population representing seven of the 10 provinces, two from each of the outlying regions.

It's been argued that this is not the right atmosphere for constitutional change because it creates hot tensions, but perhaps if there was a majority decision on these rights, people would finally accept all Government actions occurring under them. As well, it would also force whatever Accord that it has come up with to be the truly national Accord, where there'd be something for every Canadian to look to, so people would say, yes, I can put up with that if I get what I want. There would ultimately be national consensus.

The further amendments, because of this concept of the heated debate, should be done through a legislative process where more considerate effort can be put into it. What this could involve is a committee process, but the committee process should be at the front end because we live in a parliamentary system and so decisions are often—once they're made by Cabinets, they're often stuck with the decision, and then to go and clean up the committee process after is a little bit too late. So what you could do is you could have a committee in each province that would listen to submissions from the people. Then an annual report could be placed in front of the Legislature similar to the Ombudsman's report which already is placed in the Legislature, and these submissions could be brought forward to constitutional conferences.

This would have the ability that if a Government did come back with something that wasn't in those provisions they could be brought up on the carpet for it by Opposition Members and they could be held accountable.

Once the text is achieved then every province should have to have, constitutionally, hearings like this where people can go and express what they think. As well, the federal Government should have hearings in every capital of every province because people may want to express different things in a federal forum as opposed to a provincial one, and both should be respected in the federation. Then after this is done, the normal ratification process which is already in the Constitution, I think, should be used for most amendments.

I think the fact that almost two years to the day when the initial proposals were put forward, they are not yet in the Constitution sort of testifies to the fact that it is a very arduous process in and of itself.

The "distinct society" clause is another provision in the Constitution which I myself have a lot of problems with. The problem with the clause generally is it has a tendency to destroy that very group which sustains the individual. It does this in several ways. One of the ways it does this is by creating a sub-group to attract people's affections in terms of regional groupings. You're either part of Quebec or you're not part of Quebec. Once you put that in the Constitution, I think from a theoretical perspective, politicians will act upon it. I think that people will expect them to act upon it and that can do nothing but create more disunity in the country.

Further, I see it as a problem because you start defining people in terms of French and English, and

the Constitution is to bind people together so that they can reach these common individual goals. For example, you would look at somebody who looks at the Constitution, well if they don't happen to consider themselves French- or English-speaking, they are not going to be bound to those goals and they are not going to see Canadian society as offering anything to them. This cannot be a good thing. Perhaps it might be suggested, but why don't we just add more groups to the list? We'll get the Natives in there, we'll get whoever else wants to be in there. The problem with that is that ultimately there is always going to be somebody who is left off the list, and there is always going to be somebody who has hurt feelings.

* (2200)

So I think the best-case scenario is not to have a clause of that nature. If you aren't going to have such a clause, I think it should promote a common value and unity in people. Perhaps common themes like immigration, because we are all immigrants, or the whole concept of multiculturalism might be a way to do it.

The distinct society provision also attacks individuals directly. I believe the clause is directly targeted at those provisions of the Charter which are not covered by Section 33. This can be illustrated by the fact that there is an exemption within the clause for the division of powers, the fact also that it is structured in a similar way to Section 1, so that it's a savings provision over the whole Constitution. I think the clause it is specifically attacking in this case are the minority language provisions of Section 23, which were considered in the case of Quebec Association of Protestant School Boards. What happened in that case, the provisions of Bill 101 which didn't allow for Canadian citizens who themselves were not born in Quebec to have their children educated in the English language was struck out as being unconstitutional. The court said that it would be very unlikely although not deciding the point that Section 1 would even apply.

Given the fact that in Quebec today the Anglophone minority is declining, it would be very difficult for the Province of Quebec to make a case under Section 1 because they wouldn't be able to establish the pressing social need. However, with the insertion of the word "promotion" in the "distinct society" clause, you're moving forward, you're enhancing. You're not just preserving what's there. So the case could be made that those actions which previously would be unconstitutional are constitutional now. The problem with this is that it hurts the individual in that he may not want to move to Quebec or other places to enhance himself.

Other provisions like the appointment to the Senate and Supreme Court also have a tendency to repeat old problems. They don't put the individuals front and centre in the process. What they put is an appointment mechanism which I think really detracts from the individual's participation in their society. So therefore, in terms of Senate reform, for example, you can enhance the provisions by having an elected Senate to make it effective, to breed regional unity. I don't believe in

the three E principle of the equality and the reason is that I don't think that equality in and of itself, for example, would improve the lot of western Canadians in all cases. For example, if you consider the National Energy Program, you would have seven provinces who would still have more senators, and given the cost of energy at the time, I don't think any of those senators would have given in to Alberta and Saskatchewan.

So what you want is an effective Senate, and I think how this can be accomplished is through the process of a very tremendous suspensive veto where you would have regional representation with Ontario and Quebec having 24 senators, Manitoba and all the other provinces would have 12, the Territories would each have four. You then have a 2-to-1 ratio and if you coupled that with the suspensive veto of 120 days on all items, except for constitutional items where the House of Commons get override, it would be a very big tool for regions to bring central authority. I think that the Estimates should be passed by a rate of 51 percent, and other legislation 67 percent, which reflects the need to get transfers to provinces in degree of urgency.

In terms of the reform of the Senate itself, on constitutional change, I would say the Senate should have an absolute veto. I don't think that they are any different from the House of Commons and they won't withhold the veto against their own political interest for changes in their body the way the House of Commons wouldn't want it if there was popular support for it.

In terms of the appointment of Supreme Court judges, I think that it also creates disunity in our society. The way it does that is it holds out the promise of equality. In the sections respecting that, it would be very easy for a federal Government to find a provincial Government with its own political stripe and appoint a Member from their list. However, when it comes to Quebec, it is stuck in a loggerhead battle. It must appoint the Quebec member and ultimately this is going to come to a position where the court is going to have to decide. What do you do when the federal Government refuses time and time again? I think ultimately the provisions are stacked against the federal Government because you have here the provision in the Constitution which says that the province will submit a list. Well, certainly, won't the court rationalize, a list of 50 people or 60 people, one of them must be good enough? Therefore, to hold the constitutional provision itself is not illusory. You must appoint one of those people from that list and ultimately the court would become decentralist.

In terms of the appointment process itself, I think that it should be opened up and you could use the newly constituted Senate to do that. But it is very integral as well I think that people should be able to go to the Senate Committee, people of the public, and discuss the appointments that are suggested, because judges and Supreme Court judges have a very wide impact on people's individual lives in terms of things like property settlements and other issues.

I would propose additional amendments as well. I think that the time has come to build unity in the country, and I think the way to do that, to help people

communicate, is to promote entrenchment of minority language guarantees for the majority, which I don't think will be a big imposition because under legislation in this province you can ultimately get it.

Finally, I would also suggest the time to eliminate Section 33 is present. I think there was a time to be said for Section 33. We want to get patriation, but now that time has passed.

In conclusion, I would say any concerns that you would have, that the court would hem the Legislature in I think to a degree written off, because in several judgments the court has said that one of the reasons we are taking such a broad view of the Charter is because you can override it. Perhaps if that override wasn't there, they wouldn't take that broad view and a lot of the problems that are perceived wouldn't exist, if they do at all.

I would like to thank you for the time for my submission.

Mr. Chairman: Thank you, sir. Questions? I just wanted to clarify one point with you, if I may. You talked about a Senate that would be regionally equal as opposed to provincially equal and would be elected. As far as its power is concerned, I gather you favour a suspensive veto which could be overridden by a two-thirds majority in some cases in the Commons, a straight simple majority in other cases, and could not be overridden at all in yet other cases.

Mr. Dubas: In constitutional view. The other thing I would like to mention about Senate reform which I didn't mention before, which is I think integral, is the fact that half of the Members from each province I think should be elected every three years and the term should be six years. In that way, in the middle of a Prime Minister's mandate, you would be in the position of losing half of the Senate. Therefore, he would have to cooperate with those regional views which is, I think, an important part.

I think the more important part is people talk about "equal" somehow like it is motherhood. Well, if we have equal, we will have everything. Sometimes when you have equal, it doesn't necessarily work. I would rather have one good man than 100 good men—100 bad men, rather—and it seems to me that effective is the key. If equal means effective, maybe we can get effective without getting equal. I do not think you build unity as well in terms of Senate reform by taking two provinces which for 120 years have had their way in saying, well, you're not going to get your own way any more. I do not think it is very rational to suppose that they are ever going to go for that. That is another problem with it.

* (2210)

Mr. Chairman: Thank you.

Mr. Joe Glasgow, the Manitoba Intercultural Council. You have changed a lot, Mr. Glasgow.

Mr. Patrick McDonnell (Manitoba Intercultural Council): I have. It is the experience of Meech Lake, Mr. Chairman.

I am standing in for Joe Glasgow this evening. My name is Patrick McDonnell, representing the Manitoba Intercultural Council. Joe, unfortunately, is with one of our ethnic communities and couldn't be here.

Mr. Chairman: Perhaps, sir, if you came in late, you know it is a maximum time allotment of 20 minutes.

Mr. McDonnell: I am familiar with the rules, sir.

Mr. Chair, distinguished panel, ladies and gentlemen, the Manitoba Intercultural Council is pleased to submit this brief to the Province of Manitoba's Task Force on the Meech Lake Accord.

The Intercultural Council is a Crown corporation that was established in 1983 to provide information and advice to the Government of Manitoba on behalf of Manitoba's ethnocultural communities. The council, as a multicultural umbrella group under the gaming system, also allocates gaming revenues from the Manitoba Lotteries Foundation to eligible not-for-profit multicultural organizations in this province.

Unlike most arm's-length agencies, the council is also community based. Every ethnocultural community in Manitoba has the right to be represented on the council, and those communities elect their own representative to that council. The council presently represents over 50 such communities and has an organizational membership of over 360 groups.

The council is, therefore, strongly based in the communities and representative of the communities.

Because the council is the only representative and province-wide organization representing ethnocultural communities in this province, the council has also taken on the role of being an advocate for those communities to all levels of Government.

At the outset, the council congratulates the Premier of Manitoba, Honourable Gary Filmon, for not falling under political pressure applied by the federal Government to approve the Meech Lake Accord. Furthermore, we would also like to commend him for taking the historical step of withdrawing the Government's resolution on the Accord from the Legislature. It is a mark of a statesman, putting national and provincial concerns over and above his political concerns.

A document of such magnitude must take into account the views of those who, after all, will be subject to it. With that in mind, the council commends the Government of Manitoba for having public hearings on this significant document.

We are cognizant and sensitive to the challenge which is before us. We believe that such a document must not be bound by political restrictions or self-interest of some powerful lobby group. The discussions on the Meech Lake Accord must assist us in charting a vision for Canada by taking into account the needs and aspirations of all Canadians regardless of their ethnic and political origin.

Unfortunately, it seems that the original framers of the constitutional amendment, the 10 provincial

Premiers and the Prime Minister of Canada, failed to provide Canadians with a vision guiding Canada as a nation into our future.

In our opinion, the only achievement in terms of nation building on the part of the framers was the participation of Quebec in the constitutional discussions. They envisioned that the Province of Quebec must be brought formally and emotionally into the Canadian federation and to the constitutional fold, and we certainly commend this.

However, the Accord may be a great triumph for the 11 men and their political careers, but as our former Prime Minister has said, and we wholeheartedly concur, "the Accord is an anathema for the future of the country."

Firstly, the council questions whether we really need Quebec's signature to make the Constitution, 1982, applicable to Quebec when Quebec has already made use of Section 33, the notwithstanding clause of the Constitution in regard to Bill 178, the language law restricting the use of bilingual signs in Quebec.

By using this provision, we believe the Province of Quebec has given de facto recognition of the Constitution Act, and is automatically subjected to it, a reasonable question for the constitutional experts.

If that is so and we have to go ahead, the price for having Quebec's approval of and participation in constitutional change which affects every part of the country, is tremendous. For example, it was on that province's conditions that all the Premiers and the Prime Minister had to provide concessions to Quebec's five demands, which could have in our opinion a significant impact on the rest of the country.

RECOGNITION OF QUEBEC AS A DISTINCT SOCIETY

The precise text of the proposed amendment is, therefore—and in the interests of brevity, I will forego reading the clauses. The Manitoba Intercultural Council strongly opposes the "distinct society" clause provided to the Province of Quebec. We feel that such a provision would only assist in tearing the country apart rather than assisting in mending the so-called "troubled confederation."

The provision also creates a feeling among the ethnocultural groups, the aboriginal people of Canada, women's groups and other minority groups, that they are second-class citizens in Canada. Professor Rais Khan, the Head of the Department of Political Science, University of Winnipeg, states:

"The moment a particular group is recognized as a distinct society it automatically means others are below that group. Group rights shouldn't take precedence over individual rights. While some argue that the distinct society clause corrects an historical imbalance between French and English Canada, other groups, like Native people and women, have similar demands for recognition. To create a much wider degree of imbalance with the Accord is a danger."

The grounds on which Confederation was achieved was on the principle of equality among provinces and

on the demographic reality of that time. It has also been said that the BNA Act, 1867, reflects and provides us with a sociological account of the state of affairs in Canada at that time. Obviously, that reality was taken into account when Confederation was formed: biculturalism and bilingualism.

Similarly, many also agree that the Canadian Constitution, 1982, also reflects and provides a social commentary of the state of affairs since the BNA Act: multiculturalism and bilingualism.

The Canadian Constitution, 1982, only recognizes French as one of the official languages of Canada, and does not recognize those speaking the French language as belonging to a distinct society.

We strongly believe that if the Meech Lake Accord is ratified in the present form, the consequences emanating from it would be insurmountable.

For example, if Quebec is given a distinct society status based on their sociological past, then why not accord the same status to the aboriginal people of Canada who have been in Canada much longer than any other ethnocultural group, let alone the French or the English. If such a status cannot be accorded to the aboriginal people of Canada, then no one should be accorded this status.

The "distinct society" clause poses many questions. For example, what would be the status of the English-speaking minority in Quebec or the French community in Manitoba? Are people of French descent throughout Canada to be considered distinct? We believe that the term distinct society is discriminatory, for it will accord different status to the French person in Quebec as compared to the French person in Manitoba.

Furthermore, would the "distinct society" clause be applicable to those who are of French ancestry in Quebec or to all others who wish to reside in Quebec, regardless of their ethnicity?

However, the most fundamental question of concern to the council is the definition. What does distinct society mean? We believe that if this clause is not removed from the Accord, world opinion about Canada as an example to other countries in the area of human rights and multiculturalism will be tarnished.

The "distinct society" clause would indirectly force other multicultural groups to adopt or assimilate within that dominant culture of Quebec. Evidence suggests the Province of Quebec from the very beginning has been very skeptical, if not hostile, to multiculturalism. As documented by Premier Robert Bourassa, when he wrote in his letter to Pierre Elliott Trudeau, the then-Prime Minister, in 1971, after the Victoria Conference:

* (2220)

"You have gathered that Quebec does not accept your Government's approach to the principle of multiculturalism. Actually, the concept seems scarcely compatible with the facts of Quebec, where the predominant population group is linguistically and culturally French, where a large minority is linguistically and culturally English, and where there are many

minorities having other linguistic and cultural origins. In a word, with the federal Government assuming responsibilities for all cultures which are to be found in Canada, Quebec must take on, within its own territory, the role of the prime defender of the French language and culture. The Government of Quebec feels that it has a special responsibility for spreading the French culture in North America and it proposes to do this with all the means at its disposal."

Clause 2(3) of the Meech Lake Accord explicitly provides the Government of Quebec the mandate to realize the above contention. We believe the above statements made by the Premier are evidence enough for grave concern as far as multiculturalism is concerned in Quebec, and the recognition the First Ministers and the Prime Minister have given to it in a national context. The clause states that: "The role of the Legislature and Government of Quebec to preserve and promote the distinct identity of Quebec referred to in paragraph (1)."

Furthermore, the proposed amendment also contributes to the demise of the Canadian identity in that "the role of the Parliament of Canada and the provincial Legislatures to preserve the fundamental characteristic of Canada referred to in paragraph (1)(a) is affirmed," and that clause, in our opinion, literally reaffirms the status quo of the demographic reality of the past. It does not take into consideration the multicultural milieu of Canada today. We remind Manitoba's legislative committee on the Meech Lake Accord that multicultural composition of Canada also constitutes a fundamental characteristic of Canada.

One only needs to refer to the Canadian Charter of Rights and Freedoms, the recent proclamation of a Multicultural Act by the federal Government, the affirmative action programs and various legislations sensitive to and reflective of the multicultural society.

The council is concerned as to why the above reality is not recognized as a fundamental characteristic of Canada. We strongly contend that multiculturalism must be accorded the same status as per Section 2(1)(a) of the Accord.

We feel the present recognition of multiculturalism, as in Section 16 of the Accord, is inadequate. What Section 16 does is it clarifies that only the Charter will recognize multiculturalism and our cultural diversity, whereas the whole Constitution will recognize bilingualism. Our linguistic duality, at this rate, is above the multicultural aspect of the Canadian identity.

According to the Accord then, all the 11 Legislatures of Canada can become interventionists in matters where language is seen as a vehicle of distinct identity. If the Accord goes through, there will be in Canada two established cultures, linguistically determined, which is somewhat reminiscent of bygone days when Canada was predominantly composed of two main dominant cultures: English Canada and French Canada.

The council strongly opposes the amendments pertaining to immigration. We believe by providing the constitutional mandate to provinces in the area of immigration, it would provide the provinces with the

legislative mandate to create homogeneous societies. We believe this is totally contrary to the recently adopted multicultural policy of Canada.

Similarly, those provisions would also contribute toward a patchwork of linguistically and culturally motivated provincial immigration policies. While, if we believe Quebec may have a legitimate case for the recruiting of French-speaking immigrants from Europe, what would prevent another province or all provinces from embarking on a recruiting policy inspired by racial motives?

The text of the Accord—and again for the benefit of the panel and others following, I will not quote directly, it is there.

We believe the present provisions in the Canadian Immigration Act, 1976, are sufficient to address the concerns raised by the Province of Quebec or by any other province which feels culturally insecure. The council questions the intent as to why should a joint federal-provincial immigration arrangement, such as the Cullen-Couture Agreement, be recognized in the Constitution?

However, we are also cognizant of the fact such agreements are also available to other provinces, only upon the agreement of the federal Parliament. We believe there is no need for such provisions. The present provisions should remain as they are. Immigration should remain under federal jurisdiction.

Leonard Shifrin encapsulates the above concern in the following way. He states that: "The most telling commentary on the sloppiness of the Meech Lake handiwork is that it somehow never occurred to the 11 uncles of re-Confederation that there is only 100 percent to any pie, and for every province to have the right to 5 percent more than its proportionate share requires the manifest impossibility of the immigrant pie being 150 percent of itself." To paraphrase Churchill, "that's some pie."

In the context of the distinct society and applying the notwithstanding clause, we are concerned about the potential implications emanating if Quebec was to defend its immigration proposal using Section 33. For example, Quebec could make a case against the federal Government. If the federal Government did not agree with the contents of the presented proposal and is within the provisions of the distinct society as per Section 2(b) of the amended Constitution, they would have judiciary reference to the Supreme Court. If the interpretation of that proposal by the Supreme Court was not in favour of the Government of Quebec, then the Government of Quebec could use Section 33, an override. So it is a conundrum.

We are also concerned with the possible process of negotiating immigration policy in secrecy, as allowed in paragraph 95C(2)(b). That is, agreement can be finalized between the federal and provincial Governments without any public input or scrutiny. Why, in this age of Freedom of Information Acts, do we have agreements allowing for secrecy?

The council strongly believes it is important that the Accord in question ensures that it is Canada, rather

than any particular province, that takes primacy in the development of citizenship for new Canadians in the process of immigrant settlement programs.

I am skipping ahead, as you note, because of the time limits. The council strongly believes the principle of merit must be the only criteria used in making appointments to the Supreme Court of Canada. Furthermore, we believe that such appointments should be made only by the federal Government. Appointments to the Supreme Court must not be provincialized. With that in mind, the council fully endorses the Meech Lake Accord amendments to Sections 101A to 101E, with the exception of 101C(1) and (4). Again, we won't quote.

The council rejects the proposal for Senate reform in its present form. The council endorses a reformed Senate, which would reflect the demographic imbalance of our provinces and that of our nation, giving the provinces more equal voice than the House of Commons does. Further, the Senate should be elected by all citizens of Canada.

We feel really that this Accord lacks in definitions. Words like "reasonable compensation," "initiative," "compatible with" and "national objectives" should have been defined by the framers of the Accord, because it is those loose terms that come back to haunt you later and come back to give you the headaches.

In conclusion, we believe that a Constitution of a nation must accord equality, dignity and respect to all Canadians. The Constitution must also provide a vision and guidance to all Canadians, regardless of their ethnic, political, religious or socioeconomic background.

We believe that the above, probably due to oversight, was not considered by the 10 Premiers and the Prime Minister of Canada. It is fortunate we have the opportunity of public hearings such as this, and not just political deal makings to complete the constitutional process.

While we celebrate the return of Quebec, at least in negotiating terms to the constitutional fold, we must not accord special status at the expense of others, as discussed in this submission.

Never before in the recent history of Canada, terms such as regionalism, decentralization, dismantling of Canada and distinct society have been used by the media, academics and by politicians to express their sentiments on the proposed Accord.

Never before has our multicultural community expressed its sentiments with this emotion. For example, the community synonymously associated the Meech Lake Accord with statements that would undermine the multicultural reality of Canada, that would tear the social fabric of Canada. Meech Lake Accord would undermine national identity of Canada and promote the regions.

We strongly believe that it's still not too late to address the concerns of all Canadians. We as Canadians and Manitobans must welcome Quebec to the Confederation as equals. We urge the Province of Manitoba's legislative committee that it recommend

that the Meech Lake Accord be open again for discussion. If not, then the Government must reject it. However, we have faith in the panel, and thank you for your time.

Mr. Chairman: Thank you, sir. Just a very small correction, we're not a legislative committee. We're a special group established for the purpose of examining the Meech Lake Accord after holding public hearings.

Mr. McDonnell: I stand corrected.

Mr. Chairman: Any questions? Mr. Edwards.

Mr. Edwards: Very briefly, at page 18 and at the bottom of page 17, do you by any chance mean at the bottom there, with the exception of 101C(1) through (4), or can you explain why (2) and (3) are not included in that statement?

Mr. McDonnell: The feeling of the council is that the appointments to the Supreme Court should be made by Parliament, and any clauses that allow for provincial input into that and the politicization of that should be eliminated.

* (2230)

Mr. Edwards: Thank you. I just wanted to clarify that. Sub (2) and Sub (3) seem to me to go along with all portions of 101C, but your point is taken, thank you.

Mr. Chairman: Thank you, sir. Our next presenter is Mr. David Newman, representing the Manitoba Chambers of Commerce. While Mr. Newman is coming forward, I should have earlier acknowledged that Mr. Gary Doer who is a regular Member of the Task Force has arrived, the Leader of the New Democratic Party in Manitoba. (Interjection)- C plus.

Mr. David Newman (Manitoba Chamber of Commerce): C plus, better than you gave me at school, Mr. Chairman.

Mr. Chairman: How well I remember, Mr. Newman.

Mr. Newman: I'm sure you do. I'll be great at my performance today, not over 25 years ago.

It is a pleasure to appear before this hard-working group of people who are very patiently and, I'm sure, with lots of better things to do on this beautiful spring evening, sitting through as patriots of this country this hearing process which we all know is extremely important. I also thank you, Mr. Chairman, for giving us a break and opening the window. It has made it far more comfortable in here.

I do speak for the Manitoba Chamber of Commerce here this evening, and I will read their resolution passed in Swan River on April 23, 1988 at the annual meeting.

Constitutional reform as envisaged in the 1987 constitutional Accord, referred to as the Meech Lake Accord, was signed by all the First Ministers on the 3rd of June 1987.

The adoption of the Meech Lake Accord as signed will give every province a veto over future constitutional change.

Any group or region not presently enjoying economic, social or political equality under the current Constitution will be in a strait-jacket forever.

It will be especially disadvantageous to western Canadians to secure constitutional and political equality.

In its current form, the Meech Lake Accord presents unfavourable difficulties for the territories aspiring to become provinces.

The original intent to provide Senate reform by creating an effective Senate of an equal number of senators from all provinces, elected by the people, has not been addressed by the flawed Meech Lake Accord.

Unless amended, the present Meech Lake Accord does not ensure retention for the Senate of the effective powers provided to it at the time of Confederation.

Recommended:

That the Meech Lake Accord not be approved until amendments are included:

1. To provide for the retention of the present formula for amending the Constitution of Canada as per the Constitution Act of 1983.
2. To provide a Senate directly elected by the people with an equal number of senators from each province, and which retains the effective powers provided to it at the time of Confederation.
3. To provide that rights of the Territories to become provinces remain unchanged.

I am now going to turn to page 2. That was the attached addendum at the end, Mr. Chairman, the resolution itself.

The Manitoba Chamber of Commerce has been told by its membership that the Meech Lake Accord should be approved but only after the above amendments are made. More negotiation is required in order to attempt to achieve the amendments. There is no confidence whatsoever that these amendments will be achieved if the Meech Lake Accord is first approved. In fact, it is the prevalent view that these amendments will be more difficult to achieve after the Accord is approved, not only because of loss of negotiating leverage, but also because of the need for unanimous support.

It might be helpful to picture the achievement of the Accord as the best attempt by provincial representatives to achieve a tentative agreement subject to ratification by the people in each province. The fact is, however, that the tentative agreement is not, in the view of the Manitoba Chamber of Commerce, in the best interests of Manitoba or Canada in the short term and the long term. We respectfully submit that if the Province of Quebec were faced with the sort of significant decision now facing Manitoba, Quebec would now, as it has always in the past respecting constitutional issues, proceed steadfastly, cohesively, vigorously and effectively to protect and enhance the interests of

Quebec and its people in Canada. It is respectfully submitted that the leaders in Manitoba should do no less to protect and enhance the interests of Manitobans in Canada.

It is my conviction that in the long run Manitoba will be more respected for taking such a position, not only because it is the right one, but also because the people of Quebec would empathize with Manitobans and understand implicitly why we have taken this position. It will then be up to Quebec to reach out and accommodate the sorts of amendments called for in the resolution with the same understanding and approval shown to the interests of Quebec embodied in the Meech Lake Accord so far.

I am no stranger to this sort of issue. Twenty-one years ago, it was Quebec, not Manitoba or the West, demanding accommodation which fell on deaf ears. Beginning in 1966, three first-year law students from across the country, including myself from Winnipeg, organized the Centennial Constitution Conference of Law Students held in 1967 in Halifax to come to grips with the constitutional crisis at that time when there were bombs in mailboxes. Every single law school in the country sent three constitutional law students to represent them at that conference, including every single law school in Quebec—and that wasn't easy. There were no bombs in Halifax but a near explosion when, at the provincial Government dinner, the Quebec delegation wearing Queen Elizabeth ties failed to stand up during God Save the Queen—all of this in the spirit of good fun.

From that time on, I've had the conviction that where there is the will of the people to put Canada first, no matter what the apparent difficulties and politics of the moment, we can and will work together to build a better and stronger Canada, provided our leaders listen to the people and then conduct themselves positively and with understanding. I see the tremendous progress that has been made over the last 21 years. My own three children have all been educated in French immersion public schools here in Winnipeg. They have taken mathematics in French.

Bilingualism is a fact of life in this country, more or less. Would you have believed it possible 21 years ago? We have created our own Constitution in this decade and now have the power to amend it. What an achievement. I am confident that there is today a national will to put Canada first and to set aside some of the less important issues which are impediments to generally acceptable constitutional change.

* (2240)

Why do I think this is possible? Quebec has arrived. It is a strong, vibrant, effective and pervasive national and international presence. It is self-confident and successful. We have a provincial Government in Quebec which has what are, in effect, branch offices in other provinces in this country, including Alberta, and all over the world representing and promoting Quebec. There are over 45 of them throughout the world, the most recent opening in Seoul, Korea.

Aside from Manitoba's office in Hong Kong and a presence in the Netherlands, Manitoba has no such

presence in the world or in Canada. Yet Manitoba has much to offer Canada and the world that is special, just as Quebec and each other province and territory. In fact, it is my personal sense that the people of Quebec and the people of Manitoba have much more in common than is generally appreciated.

This was brought home to me vividly when I was entertaining the president of the Quebec Chamber of Commerce at an early afternoon brunch at Malenfont's renovated Fort Garry Hotel April 2 and 3 of this year, during the Canadian Chamber of Commerce board of directors' meeting. After enjoying the brunch, the string quartet and delightful conversation, I took him on a tour of the seventh floor of the hotel. We were greeted on the seventh floor by the sound of French-Canadian folk music. We were drawn towards the beautiful singing voices.

We entered the concert room where there was a fashion show in progress. The background music was the voices of a choir from St. Pierre, Manitoba. It was large, it was moving and it was beautiful. We were both touched by how close together we were in this country in so many ways. Our appreciation of the arts and of diverse cultures, ethnic and national groups in Manitoba is well understood by the people of Quebec.

Now, Manitoba and other provinces in this country, apart from Ontario, need the support of Quebec for constitutional and other changes to ensure their future, and protect and enhance their futures in Confederation for the benefit of Canada. Quebec could not give this support 21 years ago. It can and must today for the same reasons many accommodations have been made to Quebec over the last few decades. It is for the benefit of Canada.

When the Manitoba Chamber of Commerce speaks up for the amendments set out in the resolution, it is speaking for what it believes to be in the best interests of Manitobans and in the best interests of Canadians. It opposes sacrificing Manitoba's long-term future interests or any of the essential ingredients for a strong and effective Canadian nation. It supports being steadfast on behalf of Manitoba's fundamental long-term interests which are consistent with perpetuation and enhancement of a strong and effective Canadian nation. It supports being understanding of each other's provinces' perspectives and fundamental long-term interests, which are consistent with the perpetuation and enhancement of a strong and effective Canadian nation.

It supports using the Meech Lake Accord and subsequent processes as raw material to work with to create a Constitution for this country which serves its component parts in a manner which is perceived by each of them to be acceptable and contributes to the development of this country as a whole. This will enable it to make a greater contribution to the rest of the world.

This is too important a goal to risk losing because of impatience or of the fear that we are reaching beyond our grasp. I am confident that if the threatening pressures and ultimatum to adopt the Accord as is are removed, if in return a commitment is given by each

part of the country to take a fresh look at Meech Lake in light of what has been learned since the Accord was published, if the Parties commit to an agenda and reasonable timetable for using their best efforts to achieve a definitive result based on such interests, then I predict a positive spirit will breathe a new life into the constitutional amendment process and a better product will emerge, reflecting the wishes of the people.

This can be resubmitted to Parliament and the Legislatures with or without public hearings as the various Governments see fit. After all, not every bargaining table agreement is ratified by the membership, especially when the leaders are out of touch. It is not dishonourable to respect this democratic process of ratification. We submit it is even more important when you are dealing with a Constitution, and ratification by consensus is essential.

The Manitoba Chamber of Commerce has been directed by its members to take the position set out in the attached resolution. We do so with the confidence and conviction that both Manitoba and Canada will benefit in the long run, and that history books will ultimately confirm that the redrafting of the Meech Lake Accord is another positive milestone in the maturation of Canada.

Back in 1967, when that Constitutional Conference was held by a bunch of kids, who thought they were a lot wiser than they really were, the seeds were being set at that time for what has happened today in the form of Meech Lake. To illustrate how long this gestation period for constitutional reform is, and also how agonizing, just think that's 21 years ago that these sorts of concepts were discussed and debated. The labour pains of that long gestation period are Meech Lake. Our Constitution has yet to emerge, hopefully, with expressions of joy and relief by the many parents in this country.

That is my submission on behalf of the Manitoba Chamber of Commerce, which represented, at the time this was passed, 50 local Chambers of Commerce representing over 25 business members and member associations.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Newman. Questions now. Mr. Doer.

Mr. Doer: Thank you very much. I take it then, Mr. Newman, that the Chamber of Commerce has absolutely no problems with the "distinct society" clause as it is presently drafted in the proposed Meech Lake Accord.

Mr. Newman: That may be how you would take it. What I cannot do is break down that resolution into the expressions of the views of the individuals and organizations whose thinking led to that resolution. I think the fair answer to that, or comment in response, is that this is something which will have to be part of the debate which we are urging take place, and I think it would be wrong for me to speak for any of those individuals. The resolution speaks for itself, but I think any part of that is open for negotiation.

Mr. Chairman: Supplementary, Mr. Doer?

Mr. Doer: This is the fifth, I think, Chamber brief we've read and I think they are very similar, if not the exact same, on the recommendations. Therefore, if we were to satisfy those three recommendations, you would recommend that we would approve in this Legislature the Accord with those three amendments and, therefore, with the existing "distinct society" clause.

Mr. Newman: Yes, I wouldn't want to get—and I am not dodging the question—but I wouldn't know the implications of doing that if that is the way of implementing the resolution without giving up the leverage which we've indicated is necessary, then that would be the sort of approach to take. But I am not sure of the implication so I wouldn't want to agree or disagree with that as being the approach.

Mr. Chairman: Any other questions? I just have one, Mr. Newman. I asked this of the Winnipeg Chamber when they appeared on our first day in Winnipeg. I am just a little puzzled by your assertion about giving the Senate elected and equal its present power, which of course does mean deadlock with the House of Commons and you, being a student of Parliamentary Government, would know that the Cabinet has to be responsible to presumably one House in Parliament. Are we not writing a ticket to constitutional paralysis if we give the Senate equal power with the House of Commons?

Mr. Newman: Mr. Chairman, in response to that—and I had an excellent teacher, so I of course would agree with you on that comment—but for the purposes of answering that question I think that is the sort of thing which has to be discussed by truly the experts who are involved in the process. I don't pretend to have the experience, or even theoretical expertise to be able to come to grips with that. I think, as I indicated in my response to Mr. Doer's comment, that is the sort of thing which should be treated as everything is in this resolution and in the Meech Lake Accord, as subject potentially to change in order to make it workable. These are principles, this is not an attempt draft, an amended constitution.

* (2250)

We as an organization didn't purport to create a final, refined wording for any Constitution. We do have a position which, we submit, is thoughtful and should be addressed in the debate which goes on by those who have the experience and expertise, on our behalf, to implement the will of the people.

Mr. Chairman: Thanks very much, sir.

Mr. Newman: Thank you very much.

Mr. Chairman: Our next presenter, Mr. Izzy Asper.

Mr. Izzy Asper (Private Citizen): Good evening, Mr. Chairman and Members of the committee. Like everyone else, I appreciate the patience you have shown

and the long hours you are putting in. Thank you for the opportunity to appear.

I am appearing as a private citizen representing my as yet unborn grandchildren. I appreciate the Government's good will in holding these hearings and attempting to reach an all-Party consensus. I take the Government at its word that it is genuinely interested in that consensus, because Manitoba's about the last bastion, one of the last bastions where we may still be able to avoid a catastrophic mistake of unbelievable proportions in this country.

I do not have a written brief tonight. I have filed with the Clerk the brief I have presented to the Senate, which was one of my more moderate responses to Meech Lake, and I feel quite comfortable in a Chamber like this working from some notes.

My position, as some of you may know, is that Meech Lake is fatally flawed, that it must be set aside, that we must try to take advantage of the good will that exists to go back to the drawing boards to develop a new Accord which will correct the injustices and the improprieties in the present Accord and which will, above all, include a western amendment. I have used that term right around this country and I will explain it later. What I am saying is that if we cannot accommodate the difficulties of the lesser-populated provinces at the same time we sit down with Quebec, then this should be so much dead Meech.

This is not an anti-Quebec comment. It is not an anti-French comment. I have spent a lot of years making the case for the French fact. I resent deeply the blackmail and the name calling that sometimes invades this debate by people who tend to use inflammatory language against those who do not enthusiastically adopt Meech Lake.

My own involvement in this is peculiar because I was in this business, as you may remember, and I left this building 14 years ago in 1975 totally committed to not speaking out on public issues ever again. What happened was I was shocked by the spectacle of 1987, two years ago, when you had this travesty, as I say this mistaken Accord, and you had the spectacle of all three national political Parties falling all over themselves to rush to congratulate on this awesome, monumental accomplishment that had the seeds of destruction of Canada built implicitly into it. There was no voice. There was no place for opposition to be instructed, to be able to rally around, and so all three political Parties embraced it both nationally and almost on a provincial basis.

We are here through a great indebtedness to a handful of Canadian spokespersons, politicians. I am not going to name them but you all know who they are, who had the courage to break with their national Parties, who put country above partisanship and who forced this debate in New Brunswick and in Manitoba and, I would now believe, in Newfoundland.

I personally travelled this country because I could not allow my debt to this country to go undischarged if I felt something could be done. I spoke in any place anybody would listen to me. I appeared before the

Parliamentary Senate Committee. I appeared before the Senate Committee. I lectured in New Brunswick, Alberta, British Columbia, Manitoba. At that time, we were accomplishing page 60 of the newspapers on Meech Lake. It was a synonymous word for insomnia. If you wanted to cure insomnia, you started talking about Meech Lake.

Finally, we moved on to page 1 by luck, but we are there. We are on page 1 and you are here because of it, and so am I. There are those of us who will still devote every ounce of our energy, those of us who love Canada, to correcting the mistakes of Meech, what we call the "Meech madness." If Meech is adopted and you have heard it all, Quebec gets sovereignty association, which is far better than straight separation. You and I know there will never be, in our lifetime, an enshrined economic Bill of Rights, which Manitoba urgently needs and an equal Senate—equal, elected, effective—which Manitoba and all the lesser-populated provinces need.

Let us be frank, we all know what the problems in Manitoba are. We are living in a province with a million people, with a certain kind of an economy, when we should have about two to three million people to spread our costs of Government service. We are living in a slow-growth or a no-growth area. We are living in a province where we do not have the corporate profits to tax to be able to render the service our people need. We do not have the economic opportunities the other provinces have to offer our children, so we export our children. We do not have a proper tax base, a proper population base to give us a bigger voice in the affairs of Canada. We are underpopulated, underdeveloped and underrepresented as a result.

Okay, what does Meech do? Believe me, I would love to be free and have the time to talk about the great social issues of the day or the great philosophical issues that Meech implies, but no one has been speaking for Manitoba. I do not like to be parochial, it is no fun. I would like to talk about the bigger picture but, unfortunately, too few people have been making the case for Manitoba. So I am forced, and I will confine myself tonight, to Manitoba's position.

We all know what is wrong with Meech. The process was tainted, therefore, the product is tainted. The development of Meech was the worst example of democracy in action. The fake hearings, the sham, the blackmail, the lockup, the holding of hearings by the Government of Canada in the dog days of August and never travelling the country as you gentlemen and ladies have. The process cannot produce an ethical product and that is why we have to start again. We all know what is wrong with the "distinct society" clause. None of us are going to tolerate the giving up of a hard-fought Charter, the rights, the rights for each Canadian wherever he or she may be, and particularly she, the hard-fought rights of women, our aboriginal people, our multicultural.

So, yes, Quebec can have a distinct society provided we have first embellished the Charter and have embellished the economic rights of the Constitution, and then made that Charter of Rights and economic rights a priority before the distinct society.

You have heard and all committees have listened to the complaints of the northern Territories and the aboriginal people. They are legitimate. I do not want to see the Province of northern Manitoba someday blackmailed by the Province of southern Manitoba into saying, well, we will let you into Confederation, but the price is that we want you to export your electricity down to the South for less money than you would otherwise get.

• (2300)

Manitoba would never have become the province that it is and have the size that it is if all the other provinces had to agree. We were the postage-stamp province. We would never have gotten from that status if we had to make a deal with 10 Caesars, 10 Premiers. We made a deal with the nation and that is how we became a big province. We all know, as many people have told you, that the opting out from social programs with compensation does ensure this country will stop its magnificent growth as the country with the best social net, the best safety net, the best national equality for all citizens. It's all over and we all know that. But for Manitoba, the killers are something else. Senate reform: If we do not achieve out of the next round of constitutional negotiation further political power for the lesser populated provinces, we will never get it. We will not have the bargaining power to even talk about it.

Second, the immigration clause: That is anathema to the Manitobas and the Saskatchewanes and New Brunswicks. That insidious little clause says that Quebec is guaranteed—by the way it is a sideways slip, you don't see it until you read it three or four times. As you know, its perpetual share of its present proportion of Canada reads 30 percent of the seats in the House of Commons through the device of immigration, and that will be paid for by the federal Government. It goes on to say, as you know, every other province can have the same deal and that is what ensures that everyone will exercise that right. Manitoba a hundred years from today will be 4.5 percent of Canada, just as it is today, with all the political insignificance and backwater colonial status that gives you.

Finally, the third nail is the amendment process. Because it requires unanimity for structural and institutional change, you know you can't get it. Can you imagine David Peterson going to Falcon Lake for the next round and coming back to Bob Rae and saying, Bob, while I was there, I gave up 24 senators and I went down to 10. Is that okay? And Mr. Rae says, well, what did you get for that? Gee, I didn't get anything. I just got Manitoba, Alberta and Saskatchewan to feel more comfortable within the union. I don't think so. I don't think it is going to happen.

To me, as I say, there is a fair bit of insult in Meech Lake. Quebec gets, by constitutional enshrinement, three Supreme Court judges. Would it have been such an extraordinary gesture to say, "and so will each other province have at least one judge on the top court"? Why is Quebec being given that special status, that sovereignty association? Twenty-four percent of the Senate, 30 percent of the House of Commons, 33 percent of the Supreme Court, free trade with the rest

of the continent, but not free trade with Quebec, because under the distinct society, Quebec legislates for sure to protect the Quebec economy for Quebecers. That is not bad. It's not good for us.

So I say, I talk about two things, as opposed to the social side. I talk about the economic bill of rights and the Triple E Senate with linkage to a Quebec amendment. I think we can manage it; I think we can get it. It's going to be a hard bargaining, but I think we can get it. Under the economic bill, I am talking about the leftovers that we never got in 1982, in a provincial free trade, the mobility of capital interprovincially which we don't have today, enshrinement of regional development and population redistribution in the Constitution, just as we have equalization enshrined to guarantee that we are working to develop a country where the population will be spread as equally as possible across the country so that the economic opportunity will follow and political power will follow.

As I say, the right to own private property, the right to work and, finally under the economic, the right or the prevention by Governments of what size deficits they can create so that we don't leave our grandchildren the kind of a mess we've got in this country in terms of accumulated deficits.

Under the Senate, I point to all the great federalisms, the United States, Australia, West Germany, Switzerland. There is one body where all partners stand as no junior partners, no minority shareholders, equal partners—the Senate. If we get an equalized Senate, an effective Senate, we will have economic decentralization. You'll see the CBC head office in Vancouver. You'll see the head office of Air Canada return to where it came from, Winnipeg. You'll see a different nation but it will be a fair nation.

I would dearly love to lay out my scheme for the equalized Senate and, if you want to ask me questions, I will be happy to tell you. What Meech does, in conclusion, is it takes a snapshot of Canada at one of its most unsettling stages, warts and all, and enshrines it. So what to do? Back to the boards, develop a new Accord, link a Quebec amendment to a western amendment, then we get consensus and we all go out and sell it in this country. I would recommend that you consider in your Parties free votes so that we get a true expression of what each of our Members, our elected people think.

Finally, Mr. Chairman, I conclude by saying if you believe in the basic rights of the Charter for our minorities, then you must reject Meech Lake. If you believe in strong central Government that will guarantee equitable regional development, you must reject Meech Lake. If you believe that the lesser-populated provinces can only share in national prosperity if they have a greater political voice, then you must reject Meech Lake. If you believe that political power should not just be in Ontario and Quebec, then you have got to reject Meech Lake. If you believe in one Canada, not 10 Canadas, if you believe in equality of economic opportunity and political power spread equally, then you must reject Meech Lake. If you believe, if you dare to hope for the development of future national social programs, then you must reject Meech Lake.

I submit, as someone else said tonight, that constitution making is far too important to be a monopoly of 11 heads of Government. I thank you for taking the time and showing the patience to listen to us, the people. Thank you.

Mr. Chairman: Thank you, sir. We'll start with Mr. McCrae, then Mr. Carr, then Mr. Doer.

Mr. McCrae: Thank you, Mr. Asper. The last former Liberal Leader who appeared before this Task Force hinted broadly that we might ask a question.

Mr. Asper: It's a Liberal trait.

Mr. McCrae: It does not matter. I think it is an important question you would like me to ask, and here I go. Would you like to enlarge a little on your proposals for the reform of the Senate of Canada?

Mr. Asper: Well, I will, and I won't take advantage of your generosity. Let me say, Mr. Chairman and Members, that this is highly negotiable. We are not going to undress and lay out our negotiation position, if we are smart, at a public hearing. We are going to first get our position straight. I think Manitoba should present a position which is the penultimate, the ultimate position. I am not saying what will happen in the negotiations. That position should be, say, equal senators, say 10, each province to decide whether it is one big constituency or it is regionally disparate, representation for the Yukon and Northwest Territories.

The Senate cannot defeat the Government but it can defeat its legislation. We will come back to that. The Chairman is interested. Half elected at each federal election for six years, two terms of the Parliament. I believe in two terms only, a free vote, non-partisan. Each province should be free, as I say, to decide how the senators should be elected, whether by constituencies or province-wide, transferable balance.

The Government should be responsible to the House of Commons, not the Senate, but the Senate should be able to ratify all appointments to boards, tribunals, commissions, to ensure strong regional representation. For example, if I were writing the Constitution, I would go to the table by saying the CBC shall be made up of a board of directors of not less than 10 directors, one from each province, Air Canada, and on and on and on, the Transport Commission. I am not talking about provincial power. I am talking about power at the centre with strong regional guarantees that are going to be there.

I think we should explore some time, and maybe that is our opening shot, Senate ratification should be needed for the reservation and disallowance of power if it is going to remain—a full veto. I would say we would, in discussions and negotiations, consider repassages by means of breaking the vetoes, repassage by two-thirds. I do not like that, and that is certainly not my going in position, but I know these people. I have been there. I think we have negotiated accommodations with the larger provinces in the past and there is a certain strategy that is needed.

Certainly a full veto on constitutional amendment and the exercise of the emergency powers under the old War Measures Act, the new one, and that the Members of the Senate do not serve in the Cabinet, that they are totally divorced from the House of Commons, which is rep by pop.

Some day, if my first dream comes true when we achieve total redistribution or redevelopment of the population in Canada, we can look at abolishing the Senate when we do not need it any longer, because we are equally powerful in terms of political voice. It will take us a little more nation building to achieve that. Thank you.

Mr. Carr: Mr. Asper, one of the presenters earlier on tonight said that he congratulated us for giving up a spring night to listen to the people. Let me thank you for giving up this spring night to speak to us, and for all the passion you have showed on this issue from coast to coast.

I would like to pick up on Mr. McCrae's theme with a little different angle to it. You say you are here to speak for Manitoba, but you do not want to be parochial. Yet you talk about taking power from the regions and from the provinces and embodying that within federal institutions. Do you think the current balance of power between the central Government and the provinces are appropriate, or would you like to see a shift?

Mr. Asper: I used to be a stronger centralist than I am today. I despaired of strong central Government when I saw the dice were loaded, the deck was stacked, that strong central Government was using its power to buy political favour, to keep getting re-elected—greed, Quebec and Ontario.

So my next move was to—this is back in the Sixties—advocating the Triple E Senate as a means to combat that. If we cannot have a Triple E Senate, I regret to say I would have to be talking about greater provincial power. It is the last thing in the world I think we need. I think we need a strong national Government that deals equitably and has such input from each section of the country that it can perform its function without having to have a massive shift of powers to the provincial Governments.

As you know, as you can see, if you follow Alberta's attitude over the last 20 years, it has moved to the provincial power point of view out of despair, because if you are an Albertan it does not matter if they are right or wrong. When the National Energy Plan came in, which they devoutly thought was an attack on their sovereignty and their economics, they realized they were powerless politically to have any influence on it, so they moved further and further away from the centre.

* (2310)

No, in the world I would like, I would like a strong central Government. I would not like to see increased provincial power, but I would like to see an equalization of the political authority in that central Government.

Mr. Carr: Just very quickly, if I could, would you give the Triple E Senate the power, as the American Senate has, to confirm let's say, Supreme Court appointments?

Mr. Asper: It is negotiable. I would go to the table on that footing, yes. There will be a lot of trade-offs if we ever get to the table, but we will not get to the table if we act like the orphans of Confederation, which has been our habit of acting for many years in western Canada.

Mr. Doer: Just dealing again with the Senate, you mentioned Australia, which is about the closest to your specific proposal of the countries I am aware of as a parliamentary system.

Mr. Asper: Yes.

Mr. Doer: As a businessperson, you are quite aware, I am sure, that in Australia they even have more wealth concentrated in Sydney and Melbourne than we have in Toronto and Montreal. You have mentioned the CBC. ATV is in Sydney, I think the headquarters, if I am not mistaken. I think Qantas Airlines is their national airline, and it is located in Sydney, I believe. With that so-called second body, the Senate, which is very close to what you have proposed, how do we really move the economic power away from eastern Canada which we all agree, as Westerners, should be done. Are we really proposing something that has not worked somewhere else in a very similar way? I would not give up on it, but I am just saying it certainly has not worked in Australia. I think they are in a worse position than we are with western Australia and southern Australia.

Mr. Asper: Recently, on the Council of Canada West Foundation, I listened to a lecture by an Australian constitutional expert and we peppered him with questions on that. He found it amazing, what has actually happened in fact. He says it just is not such an issue in Australia, whereas the same degree of alienation or anger we feel at having to export our children all the time. They do not feel that way so much, enough to get excited about.

The other thing though, I know how it works in the United States and I marvel at it and I love it. I use this example all the time. Every time you see a rocket go up, it goes up from Cape Canaveral, Cape Kennedy and it creates jobs there. That rocket is monitored in Houston and it creates jobs there, and the rocket is built in California and creates jobs there. That is deliberate. That is because those states negotiate that way and they say, you want to export some product and you need our consent, you need our votes. Now what about the redistribution of this industry that we want?

That is how they actually conduct their business in the United States, so those states that are eager for development, trade support as we all do in the political world. So we know what we have is not working now. Yes, I will try anything to break through it.

Mr. Doer: Just a supplementary, of course in Canada we send up the rockets in Churchill and we put the space agency in Montreal.

Mr. Asper: I am glad you said that. We take it out of Ottawa to put it in Montreal.

Mr. Doer: That's right. Your recommendation did not deal with financial powers though. It dealt with the legislative powers. I was quite curious on the financial matters where the real power is, as you have mentioned in the United States. You are really talking about Americanization of our Parliament in a lot of ways.

Mr. Asper: I would agree if it was not that the word "Americanization" sometimes offends people in Canada. I think there are a lot of good things in the United States. I do not think we have to import everything in the United States, in fact, I would not like to, but I still like the music of Irving Berlin and George Gershwin. There are some good things. I cannot think of many but in this one instance it has worked.

As I say, the fiscal power, I am afraid, always has to stay with rep by pop, the House of Commons. It is a problem, but I believe that by this process and the kind of consensus we could develop we will work our way through it. That is one serious problem because of the spending power.

Mr. Doer: That's right.

Mr. Asper: I have read all kinds of various approaches to it. I think there is the wisdom, and if there is a will we will find the way.

Mr. Chairman: Thanks very much, sir.

Mr. Asper: Thank you for your patience.

Mr. Chairman: Mr. Alan Osler. We do not have a written brief from you, sir, or do we?

Mr. Alan Osler (Private Citizen): You should. The Clerk of the Legislature was given one yesterday to be duplicated and she undertook to distribute it.

Mr. Chairman: Is she here present?

Mr. Osler: I believe her name is Erin. I do not see her.

Mr. Chairman: Sorry, we do not have it.

Mr. Osler: I see. Could I check on that later?

Mr. Chairman: No, we will check on it, happily.

Mr. Osler. It is there, it has been copied.

Mr. Chairman: It has obviously gone adrift.

Mr. Osler: That is too bad.

Mr. Chairman: Do you mind proceeding without the written brief? It will, of course, catch up with us.

Mr. Osler: It is not the longest of briefs and I might find some difficulty but I will truncate it as best I can. Would that be acceptable?

Mr. Chairman: Actually it is at your option, sir, because it is our error. Something has gone wrong, obviously.

What I can offer you is a slot tomorrow if that is what you would like. It is entirely as you wish.

Mr. Osler: I think you have heard it all before, so it is just my turn of phrase and perhaps I will be as able to truncate it.

Mr. Chairman: Very good. I am a little concerned we are not catching your voice. Would you mind pulling that contraption a little closer?

Mr. Osler: Is that better?

Mr. Chairman: That is better, yes.

Mr. Osler: The first point I should make is, I am sorry I am not going to lighten your evening somewhat by offering you something different, but I am another opponent of the Meech Lake Accord.

The Accord alarmed me, not just from the time of Mr. Bourassa's sign law, but from the very beginning. I found the procedure tawdry, the pressured, locked-up session of the Prime Minister and the Premiers, without advisers, without pause for reflection—the way to settle a strike, as has been observed before in these hearings, but not a country's Constitution.

Subsequent to the "quick fix," we have had the "hard sell," accompanied by scare tactics: failure to ratify the Accord, we are told, will bring disaster.

* (2320)

My theme is the now familiar one of these sessions: disapproval of the Meech Lake Accord because it weakens Canada; disapproval of its revolutionary character, of its ambiguities, and of an attitude on the part of its apologists at times resembling that of the stereotypical third-hand car salesman who says, "Trust me, try it, buy it. You'll like it. If by any chance you don't, we can always mend it later." Well, we know, and it has been pointed out frequently in these hearings, that later is too late. Constitutionalized, Meech Lake will be irreversible in practical terms.

The friends of Meech Lake like to display their candour by admitting that it is not perfect. That is really the only point where I am in full agreement with them.

Broadly speaking, the Accord introduces new principles and shifts existing powers. The result is a weakening of the central Government.

Mr. Duguay and other enthusiasts for the Accord assure us that the courts will interpret what it means to promote a distinct society but, without clarity now, there is no knowing what the courts will decide in the future. Ambiguity, I submit, should not be written into a nation's Constitution.

There is no knowing what additional powers a future Quebec Government will think necessary to preserve and promote its status as a distinct society. Control of unemployment insurance, perhaps? Exclusive control over immigration to the province? Or broadcasting? Or foreign representation? Attendance alongside Canada at international summits, such as has already

happened where the summit of Francophone nations, with the full blessing of Mr. Mulroney, at least until Mr. Bourassa became somewhat obstreperous.

The "distinct society" clause is also objectionable because it neglects Native Canadians whose culture and language, as has also been pointed out in these hearings, antedate the French and arguably stand in much more need of protection.

Further, it is divisive on the face of it, implying that the rest of us are some indistinct, undistinguished.

Let me make it clear that I am not one of those Manitoba rednecks, those Quebec bashers dear to the Globe and Mail and currently also, I believe, to the Free Press a little bit. The preservation of Quebec, our respect for what Quebec stands for and has stood for is in the interest of us all, not only because in any intelligent assessment it must be generally enriching but because it is one of the important ways in which we mark our difference from the Americans.

I welcome opportunities to update my own French. To me, bilingualism is simply the logical acknowledgement of historical fact. I see bilingualism as the prerequisite and the best guarantee we have of the survival of minorities and of multiculturalism in this country.

So language and culture must be protected in Quebec, I agree, by existing provincial powers, by institutions such as the Code Napoleon, by official bilingualism, by the Constitution Act of 1982 which, notwithstanding the separatist provincial Government in office at the time, was and is binding on that province, according to a 1982 ruling by the Supreme Court.

Still more protection may legitimately be necessary, but if so, let it not be at the expense of the country as a whole. The "distinct society" clause and, in particular, the word "promote," beckons us towards disintegration.

The shift in power to the provinces in the matter of appointments to the Senate and the Supreme Court has come in for deserved criticism already during these hearings. I merely add my voice to swell that criticism. It is all very well to say that the Prime Minister still chooses, that there is still some power in the federal arena, but his choice is confined to lists of nominees submitted by the provinces. It is obvious that any list can simply be resubmitted until he runs the risk of being called irresponsibly obstructionist.

Presumably the provincial Premiers would choose justices with a provincial bias, but I do not want a Supreme Court of delegates. I do not want a Supreme Court predictably divided against itself with partisan or regional obligations. When you change something, you generally do so because it hasn't worked, but here it seems to me the Supreme Court just happened to be a useful bargaining chip that night in April, 1987. At one stroke, the Accord provincializes the Supreme Court and, quite frankly, I don't see what our Supreme Court has done to deserve that.

Parallel observations could be made about the the provincialized Senate.

With respect to social programs, the Accord lets provinces opt out of national social programs and still receive federal money all the same, provided they carry on a program compatible with national objectives. Well, unquestionably this limits the federal Government's ability to initiate universal social programs in the future, and puts in doubt their success.

One may ask what is wrong with universal Medicare and the other social benefits we have in this country. Why has there been inadequate recognition of the revolutionary nature of the proposal and, accordingly, adequate discussion?

Immigration, I will merely mention that in passing the provinces will have the same principle of withdrawal and compensation. The Accord gives provinces too much clout in the vital area of immigration, and in particular Quebec.

The Accord requires that amendments to the Constitution have the unanimous consent of the provinces. This, to my mind, is the way to ensure that no significant amendments will ever be made.

Among other things, this amounts to an effective veto on the creation of new provinces for all time. We know the dynamics of power. Mr. Bourassa's statement before a committee of the Quebec Legislature on the subject of new provinces is significant in this respect, and I quote:

"As far as new provinces are concerned, I do not have to elaborate on the threat which the addition of new provinces would represent for Quebec's collective wealth, especially in the regions where natural resources could become fully developed."

As has been noted before in these hearings, the unanimity clause discriminates against the North. No province has ever faced an admission requirement other than the consent of the Canadian Government.

As for the annual First Ministers' meetings, these can be called as it is. I do not see why they should be guaranteed and constitutionalized. This, it seems to me, simply gives the Premiers still more status and confers also an implicit obligation on them to press for even more powers from the Prime Minister on a continuing basis. I do not want provincial Premiers to have more power. Their jurisdiction is and must always be restricted. We cannot expect them to act in the best interests of the nation as a whole. It is unfair to them, and besides they will not.

It is precisely because we do not have a sufficiently strong central Government that we are so often harried, I submit, by regional disputes. The central Government, from a western perspective, needs to represent our interests better, admittedly. It does not follow from this logically that it should be weaker, only that it should be different, and that is another story.

Certain people have tried to frighten us by saying that no matter how flawed the Accord is, we must proceed with it or Quebec will somehow be more alienated than ever. This is nonsense. The notion of Quebec having to be brought into the Canadian

constitutional family is a fiction, the plot of which goes something like this. Quebec rejected the Constitution of 1982 and was so affronted that the work of Mr. Mulroney, the great conciliator, the great nation builder, is not necessary.

We should recall that, firstly, the Constitution of 1982 was signed by a Prime Minister from Quebec, Mr. Trudeau, by a Minister of Justice from Quebec, Mr. Chrétien, and by 72 out of 75 MPs from Quebec.

Secondly, failure to approve that Constitution came from a separatist Premier and a separatist Government in Quebec, who were naturally dead set against improvements to the federal system.

Metaphorically speaking then, federal fools need not have rushed in where provincial angels would not tread. The onus, my point is, was not on the federal Government at this stage, but on the provincial Government.

To draw towards a conclusion, I venture the opinion that we have presently in our country a Prime Minister who likes to be liked, a man inclined to give away long term for short-term applause. I am not a psychiatrist and I cannot say why he does it, but it is not the first time he has, for which reason we can't consider Meech Lake in isolation. The giveaway of central power through Meech Lake is made much more dangerous by previous giveaways, notably in negotiations with Americans over the Free Trade Agreement.

Our first Prime Minister, Sir John A. Macdonald, a wiser Tory than any I can see strutting on the contemporary federal stage, would have dropped his scotch and water in horror and stupefaction if he had been told how much power has been given away by the provinces down the years since his day, admittedly not only given away by Tories.

Now Canada's need for a strong central Government has never been greater. As has been recently observed by Senator Eugene Forsey, arguably our most knowledgeable living constitutional expert, Canada is already probably the most decentralized federation in the world.

And I just conclude by quoting Dr. Forsey's opinion on the Meech Lake Accord, that it will:

"produce a massive shift in power from Parliament and the Legislatures to the courts; a . . . shift from the federal Government and Parliament to the Governments and Legislatures of the provinces, especially Québec; a . . . shift from the House of Commons to the Senate; and . . . (probably) a massive shift from Parliament and the provincial Legislatures to the First Ministers' Conference, now given a new status, a new legitimacy."

And with this opinion, I humbly concur.

Thank you.

* (2330)

Mr. Chairman: Thanks very much, Mr. Osler. Any questions? Thank you.

Our next presenter is Mr. Rhéal Teffaine.

Mr. Rhéal Teffaine (Private Citizen): Merci, Monsieur le Président. J'allais commencer en demandant si le vieux dicton tenait toujours, que les "derniers seront les premiers." Mais ça m'aurait mis dans l'auguste compagnie d'Izzy Asper, et après l'avoir entendu parler, je ne pense pas qu'on ne pourrait jamais faire compagnons de route.

Monsieur le président, évidemment comme tous les autres, c'est avec beaucoup de plaisir que j'ai accepté l'invitation de venir partager avec les membres du comité mes opinions sur l'accord du Lac Meech. Votre collègue, le procureur-général, M. McCrae, vous dira, qu'effectivement il a subi plusieurs de mes opinions pendant mon mandat comme président du Barreau canadien. Ce soir, M. le procureur-général, je vais les revêtir d'un cachet un peu différent et je vais les partager avec vous en français.

Il n'est pas exagéré, à mon sens Monsieur le président, pour ceux qui ont déjà eu l'occasion de participer à certaines conférences constitutionnelles, de se servir de l'expression de "miracle du Lac Meech" quand on sait combien difficile, pour ne pas dire souvent impossible, il est de voir les dix premiers ministres provinciaux agréer à un document constitutionnel inspiré par le gouvernement fédéral. Si vous ajoutez les divergences politiques partisans qui existaient à ce moment-là, je crois qu'on est justifié tout au moins de parler d'une date singulièrement historique.

Quoi qu'il en soit, comme Manitobain qui déplore vivement l'absence du Québec à la table constitutionnelle canadienne depuis 1982, j'ai aussi vivement appuyé le premier ministre d'alors, M. Howard Pawley, lorsqu'il a choisi d'apposer sa signature à cet accord historique. C'est à mon avis, une formule constitutionnelle beaucoup plus acceptable dans une fédération que celle que nous avons connue pendant trop longtemps au Canada et qui s'inspire de tendances et d'orientations d'un gouvernement unitaire, vieux vestiges peut-être de nos mères patries. En fait, Monsieur le président, j'espère que les membres de votre comité refléteront sur le devoir au moins moral d'un gouvernement qui en succède un autre, de respecter les engagements pris par le gouvernement qui l'a précédé. Si on choisit d'ignorer cette vieille tradition, on s'oriente vers l'anarchie. À mon sens, il n'y a rien qui ait changé en ce qui a trait à l'Accord du Lac Meech comme tel, qui justifierait au présent gouvernement de ne pas respecter l'engagement formel du gouvernement qui était présidé par M. Pawley. Je comprends très bien les préoccupations du premier ministre Filmon face à la Loi 178 de l'Assemblée nationale du Québec et surtout les échos d'une sois-disante interprétation de l'Accord du Lac Meech à l'effet que si cet Accord eût été en place, le premier ministre Bourassa n'aurait pas eu à avoir recours à la clause non-obstant. Je ne suis pas un de ceux Monsieur le président, qui partagent cet avis et j'y reviendrai un peu plus tard.

Comme les membres du comité ont sans doute pu le constater, depuis le début de ces audiences, une constitution veut dire bien des choses à bien des gens.

Or, en fait, dans un contexte juridique, une constitution est tout simplement l'encadrement d'une société civilisée et organisée. Son rôle est de définir ses principales institutions gouvernementales, les relations entre gouvernements et les relations entre gouvernement et les individus.

En somme, la constitution sert à définir les pouvoirs et les devoirs du gouvernement et les droits et les obligations de ses citoyens.

Je pense qu'il est juste de dire qu'au Canada, à cause justement de la nature et de la complexité de notre fédération, on s'attend à un peu plus de nos textes constitutionnels. On exige en effet d'eux qu'ils contribuent à définir notre identité nationale qui a pendant trop longtemps demeuré imprécise. Je ne pense pas qu'il y ait un membre de ce comité qui ne serait pas d'accord avec moi quand j'affirme que justement, c'est la présence du Québec qui a contribué en large mesure à définir le Canada, c'est à dire, à lui assurer une identité propre. C'est peut-être devenu un cliché de le dire, mais cette réalité ne demeure pas moins aussi importante aujourd'hui qu'elle le fut hier et qu'elle le sera encore demain. Il est donc absolument impensable que le Manitoba pourrait finir—pourrait finir, Monsieur le président—comme étant la province qui claque la porte sur le désir québécois de ré-intégrer la famille canadienne. Le rôle de l'assemblée législative manitobaine dans une telle perspective devient d'une importance capitale et aura des conséquences historiques d'envergure. Je n'ose même pas croire, à titre de Manitobain avec de profondes racines ancestrales dans cette province, que ce serait nous qui dirions NON au Québec.

Personne ne saurait contester l'importance de la Charte des droits et libertés de 1982 qui constitue un élément important dans notre évolution constitutionnelle et qui nous permet maintenant de disposer d'une formule pour modifier notre constitution. Mais cet Accord demeure toujours incomplet à cause de l'absence du Québec. Sans la présence du Québec, il est beaucoup plus difficile d'apporter des modifications constitutionnelles quand on exige l'accord du deux tiers des provinces comprenant la moitié de la population canadienne et évidemment impossible pour ces modifications qui exigent l'unanimité. En somme, l'absence du Québec à la table constitutionnelle canadienne nous prive à mon avis, d'adapter notre encadrement constitutionnel aux nouvelles réalités et donc ne nous permet pas de faire face aux nouveaux défis. En fait, nous sommes constitutionnellement parlant, dans le congélateur.

Bien que tous ces arguments aient évidemment beaucoup de mérite, il n'en demeure pas moins que le NON adressé au Québec par ceux qui choisissent de refuser d'en reconnaître la spécificité, représente non seulement un symbole comme beaucoup l'ont affirmé, mais bien encore, une réalité, qui à mon avis, motivera les Québécois à se tourner de nouveau vers le séparatisme pour répondre à ce qu'ils considèrent comme étant les éléments essentiels de leur évolution nationale. Il n'y a personne dans cette salle qui ait visité la province de Québec, qui n'est pas obligé d'admettre qu'effectivement, ce n'est pas une province comme les

autres. Mais alors, Monsieur le président, pourquoi pas simplement le reconnaître dans un accord constitutionnel qui se veut et qui doit être un juste reflet de notre réalité nationale.

Croyez moi, Monsieur le président, les conséquences d'un NON manitobain à l'Accord du Lac Meech auront un effet émotif et symbolique beaucoup plus important que les imperfections que voudraient corriger les opposants de l'Accord. Certains de ces opposants comme mon ami le professeur Schwartz qui vous a adressé la parole dès la première journée de vos audiences, et qui vous a déclaré je pense, que l'adoption du Lac Meech serait la fin du Canada, et bien cela, Monsieur le président, m'inspire au contraire de vous affirmer, et tout en reconnaissant les imperfections de l'Accord, qu'à mon avis, pour le Manitoba de claquer la porte au nez du Québec, serait effectivement de menacer de façon irrémédiable l'avenir de notre pays.

Je vous demande donc de réfléchir longuement non seulement sur la valeur des arguments politiques et juridiques qui militent en faveur de l'Accord du Lac Meech, mais aussi et surtout de bien réfléchir aux conséquences symboliques et émotives que représenteraient le NON manitobain.

Nous reconnaissons évidemment tous, comme je l'ai dit tantôt, que cet Accord renferme certaines imperfections, mais malgré tout, quand on considère la complexité de n'importe quelle réforme constitutionnelle, on n'a pas choisi de s'attarder assez longtemps et assez souvent sur le positif que représente cet Accord pour l'avenir de notre fédération.

* (2340)

Et avant de souligner les avantages les plus importants, je demanderais, Monsieur le président, aux membres de ce comité de ne pas oublier que l'objet de cette première ronde qui a mené à l'Accord du Lac Meech, n'était pas de lancer une nouvelle série de discussions constitutionnelles sur une gamme de questions, mais plutôt de guérir les blessures infligées par les dispositions du 5 novembre 1981, qui n'ont pas fait l'objet d'audiences publiques et qui ont forcé le Québec d'accepter un arrangement constitutionnel sans le consentement de son Assemblée nationale. Mais en plus de guérir les blessures, l'Accord du Lac Meech renferme au moins six dispositions majeures, qui à mon avis, assureront un meilleur gouvernement pour tous les Canadiens, à savoir:

1. la formalisation des rencontres fédérales-provinciales assurera de meilleures relations et garantira un mécanisme qui servira à réduire les tensions qui ont toujours régnées entre ces deux paliers de gouvernement.
2. le pouvoir de dépenser du gouvernement fédéral, tout en demeurant intact, sera plus sensible au besoins des provinces et des régions en assurant une compensation raisonnable à celles d'entre elles qui choisiraient de ne pas participer à un programme national, mais qui au lieu, prendraient des initiatives compatibles avec nos objectifs nationaux.

3. un tiers des juges de la Cour suprême du Canada émaneront du Québec selon des dispositions constitutionnelles au lieu de statutaires, comme cela existe depuis au-delà d'un siècle. De plus, ce sont les provinces qui soumettront une liste de noms au gouvernement fédéral, qui conserve le droit de choisir le candidat acceptable après consultations formelles au lieu de par simple courtoisie comme cela existe à l'heure actuelle. Il s'agit là, Monsieur le président à mon avis, d'une disposition qui fait éminemment de bon sens dans un état fédéral quand la Cour suprême demeure le dernier des arbitres.

4. avant de régler dans une autre ronde constitutionnelle la refonte en profondeur du Sénat, tel que la plupart d'entre nous le souhaitons, l'Accord prévoit que les nouveaux sénateurs seront nommés à même une liste soumise par les provinces.

5. L'Accord oblige le premier ministre de convoquer une conférence des premiers ministres pour discuter des questions économiques et pour assurer que les discussions continueront quant aux autres refontes comme celle du Sénat, et les autres que j'ai déjà évoquées.

6. Enfin, en plus de ramener le Québec dans la famille canadienne, cet Accord, à mon avis, nous fait faire un important pas de plus dans la reconnaissance des minorités linguistiques. En vertu de ces dispositions en effet, la dualité linguistique du Canada sera maintenant reconnue dans la Constitution. C'est la première fois dans l'histoire de notre pays que tous les gouvernements s'entendent pour affirmer formellement cette caractéristique fondamentale de la fédération. Et on ne parle pas de deux nations ou de deux entités totalement séparées, mais de l'existence de Canadiens d'expression française et de Canadiens d'expression anglaise vivant ensemble à la grandeur du pays, y compris bien entendu au Manitoba.

Voilà, Monsieur le président, à mon avis les plus importants éléments positifs de l'Accord.

Vous n'êtes pas sans savoir, par contre, que plusieurs de mes concitoyens franco-manitobains déplorent l'absence de l'expression "promouvoir" lorsqu'il s'agit des droits de Canadiens d'expression française vivant à l'extérieur du Québec. Je déplore moi-même, l'absence de cette expression qui à mon avis aurait évité les bévues commises en Saskatchewan et en Alberta à ce chapitre. Comme un Franco-Manitobain qui relève par contre de l'époque où nous devons cacher nos livres à l'école et qui malgré tout a subi toute son éducation jusqu'au niveau universitaire exclusivement en français, je puis vous affirmer que la promotion doit souvent être auto-animée et que je compte beaucoup plus sur les familles et les écoles que sur les gouvernements pour réaliser cet objectif.

À mon avis, Monsieur le président, il est plus important pour un Franco-Manitobain aujourd'hui que

le Québec réintègre la famille constitutionnelle canadienne sous des dispositions reconnaissant sa spécificité en lui offrant les outils nécessaires pour demeurer une société vibrante et donc susceptible de rendre de grands services à tous les Canadiens d'expressions française vivant à l'extérieur de ces frontières, que de rejeter l'Accord et demeurer dans l'impasse constitutionnelle. Il s'agira donc pour nous tous de continuer nos efforts dans l'espoir de perfectionner l'Accord à ce chapitre lors des prochaines rondes.

D'ailleurs, comme le soulignait dans un de ses récents rapports le Commissaire aux langues officielles, M. d'Iberville-Fortier, les dispositions de l'Accord marquent du point de vue des minorités linguistiques "un grand pas en avant."

Avant de conclure, Monsieur le président, j'aimerais traiter d'un aspect de l'Accord qui a suscité beaucoup de controverse, surtout à la suite de certaines déclarations qui auraient accompagnées la Loi 178 au Québec. Il s'agit évidemment de l'interprétation qu'on doit donner à l'expression "société distincte." Certains ont même prétendus que cette expression accordait de nouveaux pouvoirs au Québec, et qu'il s'agit même d'une innovation radicale. Sans me prétendre constitutionnaliste mais à titre de simple juriste, je dois vous avouer que je ne partage aucunement cet avis. Cette disposition, bien au contraire, en est une d'interprétation de la Constitution, elle ne sert pas à octroyer des pouvoirs, et d'ailleurs son quatrième paragraphe dispose spécifiquement qu'elle n'a pas pour effet de déroger au partage existant des pouvoirs. Cette clause ne représente pas non plus une innovation technique car en effet, il existe déjà deux clauses d'interprétation dans la Charte, à savoir l'article 27 concernant le multiculturalisme et l'article 25 concernant les droits des autochtones. Le sénateur Gérard Beaudoin, éminent constitutionnaliste canadien, déclarait d'ailleurs au comité spécial ontarien sur l'Accord ce qui suit, et je le cite:

"on peut comparer sur le plan de l'interprétation la clause de la société distincte à certaines autres clauses telles que la clause sur le multiculturalisme qui figure à l'article 27. Il est étrange que certaines personnes ne s'opposent pas à l'article 27 tandis qu'ils le font au sujet de l'article sur la société distincte."

En fait, Monsieur le président, le Québec a déjà fondé un argument juridique devant les tribunaux autour du fait qu'il constitue une société distincte. Tout ce que l'Accord fait, en fin de compte, c'est qu'il affirme que le Québec conservera ce droit. En lisant le texte, vous pourrez d'ailleurs constater que la disposition concernant la société distincte va de pair avec celle qui touche la dualité linguistique du Canada et dans laquelle il est explicitement fait mention des Québécois anglophones. Aucune des deux dispositions n'a préséance sur l'autre et aucune ne peut être invoquée à l'exclusion de l'autre lorsqu'il s'agit d'interpréter la Constitution. Il est totalement faux, à mon avis, de prétendre que le premier ministre Bourassa n'aurait pas eu à avoir recours à la clause non-obstant au sujet de la Loi 178 si l'Accord du Lac Meech avait été en

place. D'ailleurs, même les anciens ministres du gouvernement Bourassa confirmaient, il y a quelques jours, que l'opinion juridique qu'avait reçu le gouvernement du Québec ne soutenait pas cette interprétation et, d'ailleurs, le premier ministre Bourassa lui-même confirmait tout récemment qu'il n'était aucunement question pour le gouvernement du Québec d'abandonner la clause non-obstant si l'Accord du Lac Meech était entériné.

* (2350)

En fin de compte, à mon avis, aucune des clauses d'interprétation constitutionnelle ne remplace ni ne supprime les droits et les libertés fondamentaux établis dans la Charte.

Je veux traiter rapidement, Monsieur le président, d'une dernière question en finissant, à savoir l'argument qui est souvent formulé par les critiques de l'Accord qui continuent de donner l'impression que la formule d'amendement exigera maintenant l'unanimité et ils critiquent cette supposée "rigidité."

C'est un argument qui fausse complètement le débat, à mon avis, car le procédé d'unanimité est déjà présente dans la formule actuelle pour les changements apportés à la monarchie et à la formule d'amendement elle-même. Tout ce que les dispositions de l'Accord prévoient, ce n'est que d'étendre cette règle déjà existante de l'unanimité à quelques autres questions institutionnelles, dont la réforme du Sénat et la création de nouvelles provinces.

Qu'il soit bien compris, Monsieur le président, que la procédure générale, c'est à dire celle qui exige l'appui du Parlement, du deux tiers des provinces représentant au moins cinquante de la population, continuera de s'appliquer à toute autre modification majeure. Je ne partage aucunement que cette disposition dans l'Accord représente un carcan. Bien au contraire, lorsqu'il s'agit d'institutions fondamentales d'envergure nationale, il s'agit là d'une protection pour les petites provinces comme le Manitoba par exemple, qui seront désormais protégées de toutes solutions de compromis que pourraient tenter de lui imposer le reste du Canada.

Permettez-moi de vous dire qu'à mon avis, en ramenant le Québec à la table constitutionnelle, l'Accord du Lac Meech débloquent le processus de réforme de notre Constitution et nous sortira en quelque sorte du congélateur constitutionnel dans lequel nous nous trouvons depuis 1982. Des conférences annuelles des premiers ministres permettront l'examen continu des grandes questions qui intéressent les Manitobains et tous les Canadiens. Cet Accord, à mon avis, nous permettra pour la première fois dans l'histoire canadienne d'envisager sérieusement la réforme du Sénat qui tient à coeur à tant de Manitobains, y inclus à celui qui vous parle. De plus, cet Accord nous permettra de nous consacrer également à l'amélioration de la Charte des droits, y compris les droits linguistiques et un plus grand respect des droits des peuples autochtones.

C'est donc pour toutes ces raisons, monsieur le Président, que je demande très respectueusement aux membres de ce comité de recommander à l'Assemblée

législative de dire OUI à l'Accord du Lac Meech et NON à un geste qui aurait pour effet, à mon avis, de claquer la porte sur le nez du Québec.

Merci Monsieur le président.

Mr. Chairman: Merci beaucoup, M. Teffaine. Avez vous des questions? Non? Merci. Ah, une question de M. Carr.

(Translation)

Thank you, Mr. Chairman. I am going to begin by asking if the old saying still holds "that the last shall be first," but I am pleased to have been in the august company of Izzy Asper.

Having heard him speak, it is with a great deal of pleasure that I accepted the invitation put forward by the Task Force to the citizens of Manitoba to come and share their opinion on the Meech Lake agreement. Your Attorney General will tell you that he has heard many of my opinions and this evening, Mr. Attorney General, I am going to take a somewhat different approach and share them with you in French. It's no exaggeration, in my opinion, for those who have already had the opportunity to participate in certain constitutional conferences to use the expression of "the miracle of Lake Meech" when you know how difficult it is, if not impossible it is, to see the ten First Ministers of the provinces agree to a constitutional document that has been inspired by the federal Government.

If you add to that the divergences, the partisan political divergences which existed at that time, I believe that we are justified, at least, in saying that this was a singularly historical date. Whatever the case may be, as a Manitoban who strongly deplored the absence of Quebec from the Canadian constitutional table since 1982, I strongly supported the First Minister at the time, Mr. Pawley, when he decided to sign this historical Accord. It is in my opinion a constitutional formula that is much more acceptable in a federation such as we have known for far too long in Canada and which is inspired by the tendencies and orientations of a unitary Government which are perhaps old vestiges of our Mother countries. In fact, Mr. Chairman, I hope that the Members of your parliamentary committee will reflect on at least the moral duty of a Government that succeeds another Government to respect the commitments made by the preceding Government.

If we choose to ignore this whole tradition, we are orienting ourselves towards anarchy. In my opinion, there is nothing that has changed in regard to the Meech Lake Accord as such that would justify the present Government not respecting the formal commitment made when it was provided by Mr. Pawley. I understand the concerns of Premier Filmon in regard to Bill 178 of the Quebec National Assembly and, above all, the echoes of the so-called interpretation of the Lake Meech Accord to the effect that if this Accord was put into place Premier Bourassa would not have had to have recourse to the notwithstanding clause. I am not among those who share this opinion, and I will come back to that somewhat later.

As the members of the committee have no doubt noted, since the beginning of these hearings, the

Constitution means many things to many people. In fact, in a legal context, the Constitution is simply the creation of a framework of a society that is civilized and organized. Its role is to define the society's principal governmental institutions, the relations between Governments, and the relations between Government and the individuals.

In all, the Constitution serves to define the powers and the duties of Government and the rights and obligations of its citizens. I think that it's fair to say that in Canada, because of the nature and the complexity of our federation, we expect somewhat more from our constitutional documents. Indeed we expect them to contribute to defining our national identity which for too long remained imprecise. I do not think that there is a single Member of this parliamentary committee who would not be in agreement with me when I say that precisely it's the presence of Quebec which has contributed in large measure to defining Canada; that is, to ensure its own identity.

It's perhaps become a cliché to say it, but this reality is no less important today than it was yesterday, than it will be tomorrow. It is therefore absolutely unthinkable that Manitoba could end by being the province that slams the door on the Quebec desire to reintegrate into the Canadian family. The role of the Manitoba Legislative Assembly, in such a perspective, becomes of capital importance and will have significant historical consequences. I don't dare believe as a Manitoban, with deep historical roots in this province, that it could be us who would say "no" to Quebec.

No one could contest the importance of the Charter of Rights and Freedoms of 1982 which constitutes an important element in our constitutional evolution and which permits us now to have an amendment formula for our Constitution, but this agreement still remains incomplete because of the absence of Quebec. Without Quebec's presence, it is much more difficult to make constitutional amendments when we require the two-thirds agreement of the provinces, including half of the Canadian population, and obviously it's impossible when it's a question of amendments that require unanimity.

In sum, the absence of Quebec at the constitutional table deprives us, in my opinion, of the possibility of adapting our constitutional framework to the new realities and therefore does not permit us to face new challenges. In fact, Mr. Chairman, constitutionally speaking, we are in the deep freeze.

Although all these arguments obviously have a great deal of merit, it remains no less so that a "no" given to Quebec by those who would choose to refuse to recognize the particularity over distinctness of Quebec would represent not only a symbol, as many people have said, but also a reality which, in my opinion, would motivate Quebec to turn away once again towards separatism to respond to those who consider it as being one of the essential elements of their national evolution.

There is no one in this room who has visited the Province of Quebec who isn't obliged to acknowledge that indeed this is not a province like the others. But, Mr. Chairman, why not simply recognize it in a constitutional Accord which is intended and which must

be a just reflection, a fair reflection, of our national reality. Believe me, the consequences of saying "no" on the part of Manitoba to the Lake Meech Accord will have an emotional and symbolic effect that is much important than the imperfections that the opponents of the Accord would like to correct.

Some of these opponents, such as my colleague, Professor Schwartz, who spoke to you on the first day of our hearings and who declared, I believe, that the adoption of Lake Meech would be the end of Canada. This inspires me, on the contrary, to affirm to you that, while I recognize the imperfections of the agreement that, in my opinion, for Manitoba to slam the door in Quebec's face would threaten the future of our country in an irremediable way.

Therefore, I'm asking you to reflect at length, not only on the value of the legal and political arguments which militate in favour of the Lake Meech Accord, but also and above all to think carefully about the symbolic and emotional consequences which would be represented in a "no" from Manitoba.

We obviously recognize, as I said earlier, that this Accord contains certain imperfections but, after all, when we consider the complexity of any constitutional reform, we have not chosen to look often enough at the positive things represented in this Accord for the future of our federation.

Before emphasizing the most significant advantages, I would like to ask the Members of this committee not to forget that the object of this first round, which brought about the Meech Lake Accord, was not to start a new series of constitutional discussions on a number of questions but rather to heal the wounds inflicted by the provisions of November 5, 1982, which were done without public hearings and which obliged Quebec to accept a constitutional arrangement without the consent of its national assembly but, in addition to healing the wounds, the Meech Lake Accord contains at least six major provisions which, in my opinion, will ensure better Government for Canadians.

These are: firstly, the formalization of federal-provincial meetings will ensure better relations and will guarantee a mechanism which will serve to reduce the tensions that have always reigned between these two levels of Government.

Secondly, federal spending power, while remaining intact, will become more sensitive to the needs of the provinces and the regions while assuring reasonable compensation to those provinces which choose not to participate in a national program but who instead undertake the initiatives that are compatible with national objectives.

Thirdly, one-third of the judges of the Supreme Court of Canada will come from Quebec under the constitutional provisions instead of statutory provisions, as has been the case since more than a century. Moreover, it is the provinces that will submit a list of names to the federal Government which will maintain the right to choose the candidate acceptable, after formal consultation, rather than simply doing it by simple courtesy as is the case at the present time. This, in

my opinion, is a provision which makes a great deal of good sense in a federal state when the Supreme Court is the last arbitrator of disputes.

Fourthly, before regulating in another constitutional round the Senate reform, as most of us wish would happen, the Accord provides that new Senators will be named from a list submitted by the provinces.

Fifthly, the Prime Minister is obliged by the Accord to hold a First Ministers' Conference to discuss economic questions and to ensure that discussions will continue with regard to other reforms, such as the Senate reform and others that I evoked.

Sixthly, in addition to bringing Quebec back to the constitutional family, this Accord puts us a step ahead in the recognition of linguistic minorities. Under the provisions in effect, Canada's linguistic duality will be recognized in the Constitution. This is the first time in the history of our country that all Governments have agreed to affirm formally this fundamental characteristic of the federation. We are not talking of two nations or two entities that are totally separated but of the existence of Canadians of French expression and Canadians of English expression living together throughout the country, obviously including Manitoba.

These are, in my opinion, the most important positive elements of the Accord. You know, Mr. Chairman, that many of my Franco-Manitoban fellow citizens deplore the absence of the expression "promote" when it is a question of the rights of French-speaking Canadians outside of Quebec. I myself deplore the absence of this expression which, in my opinion, would have avoided the gaffes that have been committed in Saskatchewan and Alberta in this regard.

As a Franco-Manitoban who grew up in the period where we had to hide our books at school and who, in spite of it all, received all this education right up to university in French exclusively, I can affirm to you that the promotion must often be self-driven, and I count much more upon families and schools than upon Governments to realize this objective.

In my opinion, Mr. Chairman, it is more important for a Franco-Manitoban today that Quebec reintegrate the constitutional family of Canada under the provisions, recognizing its distinctness by offering it the necessary tools to remain a dynamic society which is able to render great services to all Canadians of French expression who live outside of its borders, rather than reject the Accord and remain in the constitutional deadlock. It will be for us to continue our efforts in the hope of improving the Accord in future rounds.

Furthermore, as was emphasized in one of the recent reports of the Commissioner of Official Languages, Mr. D'Iberville Fortier, the provisions of the Accord mark, from the point of view of linguistic minorities, a great step forward.

Before concluding, Mr. Chairman, I'd like to deal with an aspect of the Accord that has brought a lot of controversy, especially after certain declarations that accompanied Bill 178 in Quebec. Obviously it is the interpretation that must be given to the expression "distinct society." Certain people have even claimed

that this expression accorded new powers to Quebec and that it was a radical innovation.

Without claiming to be a constitutional expert, but simply as a jurist, I must admit to you that I do not agree with this opinion at all. This provision, on the contrary, is an interpretive provision of the Constitution. It does not serve to grant powers. Furthermore, its fourth paragraph provides specifically that it does not derogate from the existing sharing of powers. This clause does not represent a technical innovation because indeed there are already two interpretative clauses in the Charter. That is Section 27 concerning multiculturalism and Section 25 concerning aboriginal rights.

Senator Gerald Beaudoin, an imminent Canadian constitutional expert, declared to the Special Committee of Ontario on the Accord the following:

"We can compare in terms of interpretation the clause on the distinct society to certain other clauses, such as the multiculturalism clause of Section 27. It is curious that certain people are not opposed to Section 27 while they are opposed to the section concerning the distinct society."

In fact, Mr. Chairman, Quebec has already based a legal argument before the courts upon the fact that it constitutes a distinct society. All that this Accord does ultimately is affirm that Quebec will maintain this right.

In reading the text, you can also note that the provision concerning the distinct society goes hand in hand with that dealing with linguistic duality of Canada and in which the Quebecois Anglophones are explicitly mentioned. Neither of the two provisions has precedence on the other, and neither can be invoked to the exclusion of the other when it is a question of interpreting the Constitution.

It is totally false, in my opinion, to claim that Premier Bourassa would not have had to have recourse to the notwithstanding clause in regard to Bill 178 if the Lake Meech Accord had been in place. In fact, even the former Ministers of the Bourassa Government confirmed some years ago that the legal opinions that they had received did not uphold this interpretation and, moreover, Premier Bourassa himself confirmed very recently that there was no question for the Government of Quebec abandoning the notwithstanding clause if the Lake Meech Accord was approved. In my opinion, no interpretative clause of the Constitution replaces or supersedes the rights and freedoms that are fundamental, that are established in the Charter.

I would like to rapidly deal with the last question. That is, the argument often formulated by critics of the Accord, who continue to give the impression that the amendment formula will now require unanimity, and they are criticizing this alleged rigidity. This is an argument that entirely falsifies the debate, in my opinion, because the procedure for unanimity is already present in the current formula for changes made to the monarchy and the amendment formula itself. All that the provisions of the Accord provide for is simply to extend this already existing rule on unanimity to certain

other institutional questions, such as the reform of the Senate and the creation of new provinces.

We should understand that the general procedure, that is, that which requires the support of Parliament, two-thirds of the provinces representing 50 percent of the population will continue to apply to all other major changes. I do not agree that this provision in the Accord represents an iron collar. On the contrary, when it's a question of fundamental institutions of a national scope, it's a protection for the small provinces, such as Manitoba, for example, who will now be protected from any compromise solutions that the rest of Canada could attempt to impose upon it.

Allow me to say to you that, in my opinion, in bringing Quebec back to the constitutional table, Meech Lake will unblock the process of constitutional reform, and we will come out of the constitutional deep freeze we've been in since 1981 as a result. Annual conferences of First Ministers will permit the continuing examination of the major questions of concern to Manitobans and Canadians.

The support, in my opinion, will permit us for the first time in Canadian history to seriously consider Senate reform, something that is very important to so many Manitobans, including myself. In addition, this Accord will permit us to devote ourselves equally to the improvement of the Charter of Rights, including linguistic rights and a greater respect for the rights of the aboriginal peoples.

It's for all these reasons that I respectfully ask the Members of this committee to recommend to the Legislature to say "yes" to the Lake Meech Accord and "no" to an act that would have the effect, in my opinion, of slamming the door in Quebec's face. Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you very much, Mr. Teffaine. Do you have any questions? No. Thank you. A question from Mr. Carr.

(English)

Mr. Carr: Mr. Teffaine, I want to ask you a question that is a little different than the ones that I, at any rate, have been asking. There is a perception among many that moderate opinion in Quebec and the rest of Canada is hardening, that the gap is widening, that we are further away from national reconciliation today than we have been in a long while, and there is some evidence of that in some of the briefs that we have heard to this Task Force. There is some evidence of that in the opinion that we are hearing expressed in the Province of Quebec about Manitoba and opinions that are expressed in other parts of English Canada. I wonder if you can, and it is pretty late in the day and we are all tired, if you can just wax philosophical for a moment and give us some advice on how you think we can close that gap so that the interests both of Quebec and of Manitoba can be accommodated.

Mr. Teffaine: As you very well know, Mr. Carr, Manitoba does not indeed have the reputation across this great country as being particularly enlightened when it comes

to constitutional matters. That is basically the point that I try to make in the statement that I presented to you tonight.

There is no question in my mind that Manitoba stands a very good chance to be the last province, that is to say the only province finally that may say no to Quebec. As a third-generation Manitoban, I plead with the Members of this committee not to do that. I basically know all of the Acadian leadership in New Brunswick, I cannot believe that when push comes to shove that in fact they are going to agree that New Brunswick should scuttle this Accord. I believe to the contrary that certain dispositions will be taken in New Brunswick and that New Brunswick will end up supporting the Accord. I don't know what's going to happen in Newfoundland, and I dare say Mr. Chairman, that you don't either because it is too recent. We don't know what the developments there are going to be. So that leaves Manitoba in the very unenviable position of being the one, our Legislature, to say no to Quebec. Make no mistake about it. That is the way it is already interpreted and, if it in fact happens and we all know how fragile national unity is, I tell you that it will be a deadly blow.

There is no question in my mind, and my profession takes me to Quebec very often, that already there is a movement afoot. They are in fact preparing for the day when Manitoba may indeed say no and this Accord will be scuttled. It will be, in my view, a disaster. I will take another generation. I'm not sure that the Quebecois will be prepared to wait for another generation, quite frankly.

Mr. Chairman: A supplementary.

Mr. Carr: You've either heard yourself tonight or read in the newspapers or otherwise followed the testimony in front of this Task Force. What you are asking us to do in your presentation tonight is to fly in the face of the recommendations of public opinion in Manitoba, to say yes to Quebec. Many Manitobans would say to you, it is time for Quebec to say yes to Manitoba. That is why I ask you for advice on a reconciliation of those two positions, which I see becoming further apart, not narrowing but growing. For us on this Task Force to do what you ask does not solve the problem of how to accommodate Manitoba. That is what I am asking you.

Mr. Tefaine: Of course, I've heard, not only tonight, and I'm sure you've heard them a thousand times, all of the arguments. Let's be serious for a moment. Do you think that for one moment I would support this Accord if I thought that the hard-earned rights of women in this country were somehow threatened by this Accord? Come on. The 10 Premiers of this country and the Prime Minister of the eight Legislatures representing 93 percent of the Canadian population surely to God don't believe that this is what this Accord contains. I sure do not. I am saying to you that there has to be here.

It was a solemn promise made during the referendum debate that in fact Canada would move away from a

unitary form of Government and that we would adopt a flexible formula more akin to our federation.

Of course the Accord means that our country is going to be different. What's wrong with that? We live in a federation. Good Lord, I as a western Canadian want to see it different. I want western Canada to receive what I consider to be its just share. I deeply want a reform of the Senate. I believe that is one of the only ways. I'm not going to go into my own theories about the reform of the Senate because we'd be here all night, but of course we must start, but by making sure that Quebec is at the constitutional table.

Believe me, we will never reform the Senate if we say no to Quebec. If Meech Lake goes down the drain, we'll be talking about the reform of our Senate for generations to come—not one, for generations to come.

Mr. Chairman: Mr. Edwards.

Mr. Edwards: Thank you, Mr. Chairman. Mr. Tefaine, with respect to one of your last comments, I just wonder about some of those who helped in the drafting of the Charter, whether or not they totally predicted the decisions which have come since 1982 and the coming into place of the Charter. I'll leave that with you to comment on but I want to add a second question, if I could.

You mention you deeply desire Senate reform. As you know—and I asked this question earlier on this evening, I don't know if you were here—Canada's Native peoples had an undefined right, if you can call it that, put into the Constitution in 1982 which five federal-provincial conferences failed to further define, much to the disappointment of those people. That was working with the seven out of 10 two-thirds majority.

What hope can you hold out that with unanimity and the great loss which a province like Quebec would suffer in terms of clout in the Senate, that the western provinces and the smaller provinces of this country would be likely to achieve an equal, elected and effective Senate?

Mr. Tefaine: Let me answer it to you this way, Mr. Edwards. Once you provide Quebec with the tools that it considers it needs in order to be a vibrant and well-protected society, I think you will find great generosity in the attitude that it will demonstrate when it comes to the reform of various of our other institutions.

If it has basically a third of the Supreme Court of Canada—and God knows, I mean after all, they represent a third of the population of this country, the Supreme Court of Canada is unbelievably important to the Province of Quebec—instead of having it as a statutory disposition, that in fact it becomes entrenched in the Constitution, that it has the ability to take measures that are required to protect itself, this small island in the vast North American sea, and that it feels comfortable with the constitutional tools that it feels it requires in order to achieve that objective, I say to you we can honestly dream about the type of Senate that both you and I want, but if we don't give it that possibility then you and I will never—I don't think our

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children will ever and I dare say maybe our grandchildren will never see the type of reform of the Senate that both you and I want.

Mr. Chairman: I have one question, sir, for you, if I may. If we remember what Mr. Remillard suggested was necessary for Quebec to accept the 1982 Constitution, the five principles, and if we maintain those principles within Meech-Langevin and we enrich the Accord but not detract from the fundamentals which Quebec requires, would that not be a satisfactory solution to the oft-expressed desires that we have heard in six communities outside of Winnipeg and now in Winnipeg and yet three more days to go. Would that not be a possible way to deal with the dilemma of those who are so intensely dissatisfied with the Accord and the issue of the reconciliation of La Belle Province to the country again that the division healed that has been there since 1982, constitutionally?

Mr. Teffaine: Well, I must say, Mr. Chairman, that I share the concern of the Prime Minister, but once you pull that thread in the sweater, the sweater will turn into a ball of wool again. That is the great danger. Of course, I would prefer to see some of the concerns

that I have about the Accord addressed. But I am saying to you that, frankly, I believe that there will be good faith and I believe that we'll be able to achieve and make headway in the process of reconciliation if in fact we firstly agree with the Accord, and then we attack the second and the third and the fourth, and however other many rounds we require in order to answer your question. Thank you very much.

* (1200)

Mr. Chairman: Merci beaucoup, Monsieur Teffaine.

The last presenter on our list is Mr. Gordon Rajotte. Not here.

I will just recall, as the rules require, two people passed over earlier. Mr. Sibley, not here. Mr. Sangster, not here.

Ladies and gentlemen, that concludes our hearing for this day. Thank you very much for your long suffering attendance, some of you this evening. We will be back tomorrow morning at 10 a.m. Good night.

HEARING ADJOURNED AT: 12:01 a.m.